OVERCROWDED PRISONS TO REHABILITATION MODELS: A COMPARATIVE ANALYSIS OF PRISON SYSTEM IN INDIA, UK AND USA

Gauri Tyagi, Amity Institute of Advanced Legal Studies, Amity, Noida, Uttar Pradesh

ABSTRACT

The right to life and liberty is a human right enjoyed by every individual around the world by virtue of being human itself, and in the Indian Context, this right has been recognized as a fundamental right. However, the Constitution of India provides that the right to life and liberty can be curtailed by due process of law, and therefore it hints towards the prisoners' rights. The prisoners, though their right being curtailed by the procedure established by law, but the fact that they are human being itself entitles them right to human dignity. In India, nearly three out of every four inmates in prison are waiting for the conclusion of their trial. This highlights a massive challenge in implementing human rights. The researcher aims to identify the core reason for such unbridled number of prisoners and to observe the impact of such a procedural sluggishness upon the society. Furthermore, the objective of this research article is to identify the impediments in enforcing the human rights of the prisoners and to do a comparative study of the conditions of the prisoners in India with that of UK and USA. Additionally, the paper examines the hurdles in implementing the rehabilitative and correctional model in the Indian prison system where nearly 74% to 80% of population in prison is non-convict. Adopting the doctorial methodology, this research article analyzes data to examine the conditions of prisoners globally and suggests how the new rehabilitation concept can cure the problem of overcrowded prisons.

KEY WORDS: Prisoners, human rights, over-crowded prisons, rehabilitation of prisoners, under-trial prisoners, Staff Crisis.

1. INTRODUCTION

At the earliest, Kautilya introduced the detailed and structural system of prison and confinement in 4th century in his writings, known as the Arthashashtra. The legitimacy of imprisonment in a constitutional democracy depends not merely upon the authority of the State to deprive a person of liberty but also upon the manner in which that deprivation is administered. As per the modern criminal justice systems, punishment serves different purposes such as retribution, deterrence, incapacitation, rehabilitation and, increasingly, restoration and reintegration. The prison,

therefore, performs several functions simultaneously. It protects society by incapacitating persons convicted of serious offences; it imposes a legally authorized deprivation of liberty; and, ideally, it provides conditions through which prisoners can address the causes of offending and prepare for release. However, the problem arises when prisons become merely a place for confinement and not correction. Nevertheless, the present day dilemma is that the prisons around the world are overcrowded with the prisoners who are either at pre-trial stage or are under any remand. The calculation shows that nearly 3.7 million people i.e., roughly 30% of the global prison population is held in pre-trial or remand detention.[1] This situation serves as a severe blow to the human rights enforcement worldwide despite having several advocates of human rights.

The conditions of the prisoners around the world has been bifurcated into two i.e., the ones whose guilt has been established and are in confinement under punishment. The other section of prisoners are such who are stuck in between due to either failure of speedy implication of procedure and delayed investigation or other factors such as poverty, etc. The fact that the international organizations such as UN Human Rights, Global Alliances of National Human Rights Institutions etc., are persistently working for the enforcement of human rights across the board, still there is a lacuna in protections, promotion and enforcement of human rights of such under-trial and remand detention prisoners.

Furthermore, the new approach of adopting rehabilitative and correctional model to cure the problem of overcrowded prisons makes it questionable as to how this new model will cure the procedural or external hurdles faced by the prisoners. In the Indian context, the paper articulates whether the Indian legal framework adequately protect prisoners' rights and does the rehabilitative approach actually tends to solve the problem of jammed prisons. The comparative question is therefore not simply which country has more prisoners. The more important question is how different legal systems conceptualize imprisonment, manage prison populations and transform custody into rehabilitation.

Moreover, through the legal precedents, the role of Indian judiciary cannot be neglected how it has worked to effectively implement prisoner's rights and has numerously directed the

1. United Nations Office on Drugs and Crimes, "Global prison population and trends : Prison matters 2025"

parliament to make laws for their good. The paper critically examines how effective has Indian judiciary intervention been in improving the prison model of the country.

2. RESEARCH PROBLEM

The central research problem is the continuance of overcrowding prisons despite the increasing recognition that imprisonment should contribute to rehabilitation and social reintegration rather than just a punitive method.

The traditional concept of prison system assumes that removal of the offender from society is the only step and cure to reduce crime whereas, the rehabilitation model, by contrast, views imprisonment as an opportunity to address factors associated with offending and to prepare the prisoner for lawful participation in society. The practical difficulty is that rehabilitation requires resources such as trained personnel, individualized assessments, education, employment opportunities, healthcare, psychological interventions, family connections and post-release assistance. However, overcrowded institutions frequently struggle to provide these services.

Consequently, the paper examines whether the modern prison systems are actually shifting from the punitive model to a rehabilitation centric model and what lessons may be drawn from comparative experience.

3. RESEARCH QUESTIONS

The research paper revolves around the following questions:

A. What are the core reason for prison overcrowding in India, the UK and the USA and resultantly what consequences has emerged?

B. What institutional mechanisms exist for rehabilitation, education, vocational training, healthcare and social reintegration in the three jurisdictions?

C. What lessons from the UK and USA may be adapted to the Indian constitutional and administrative context to fill the lacuna in the rehabilitative prison model?

D. What legal and institutional reforms are necessary for India to move from an overcrowded custodial model towards a sustainable rehabilitation model?

4. FRAMEWORKS GOVERNING PRISONERS BOTH GLOBALLY AND NATIONALLY

4.1 INTERNATIONAL INSTRUMENTS FOR PRISONERS SAFEGUARDS

The International instruments for prisoners safeguards have been categorized into two according to their nature namely:-

i. Core binding treaties:

- ICCPR(1966) requires the human treatment for the prisoners and guards their human dignity under Article 10.
- CAT (1984) bans the prison torture and degrades the inhuman treatment with the prisoners.
- Third Geneva Convention (1949) gives protection to the prisoners of war and provides regulating guidelines.
- CRPD (2006) guarantees accommodations and protection from abuse to disabled prisoners.

ii. Non-Binding Standards and Norms:-

- Beijing Rules (1985) that governs specialized protection for juveniles in custody.
- Body of Principles (1988) that protects detained persons from custodial abuse and guarantees them legal aid.
- Basic Principles (1990) that affirms the retention of human rights and restricts solitary confinement of the prisoners.
- Bangkok Rules (2010) addresses gender sensitive safeguards and healthcare concerns for female offenders.
- Nelson Mandela Rules (2015) which revised United Nations Standard Minimum Rules for the Treatment of Prisoners set universal standards for prisoner's conditions, their medical care and discipline.

4.2 LEGAL FRAMEWORKS GOVERNING PRISONERS IN INDIA

4.2.1 Statutory Frameworks:-

The 'Basic Principles for the Treatment of Prisoners' adopted by the United Nations General Assembly Resolution 45/111 on 14th December, 1990 was accepted by India.[2] The Indian legislative system has adopted various legislative frameworks to govern the prison systems and to ensure the international mandates, which the country has signed. Such regulatory frame works includes Prisons Act, 1894; The Prisoners Act, 1900; the Model Prison Manual, 2016; Mental Healthcare Act, 2017, the Bharatiya Nagarik Suraksha Sanhita, 2023(section 38, 46-48, 53, 56, 57 ,58 and 479). The legislation has made several such laws to deal with the protection of rights for the arrested persons and under trial prisoners.

2. Abhilash Aggarwal, "The Indian Prison and Apathy of Prisoners in 21st Century: A Reformative Approach"

4.2.2 Constitutional Framework:-

The Constitution of the India being the grundnorm of the country has enshrined the protection to the arrested persons against the rule of double jeopardy, self-incrimination and ex post facto laws.[3] The Constitution ensures right to human dignity to the detainees[4] and ensures the international mandates under various Articles such as Article 14, 19, 20. The Constitution directs state to run the legal system in a manner to boost up the justice system on the basis of equal opportunity and promotes free legal aid to the ones needed[5]. Resultantly, the Legal Services Authorities Act, 1987 was enacted for creating bodies to offer free legal aid.

The above mentioned enactments shows the efforts made by the legislature to regulate prison system but the fact that despite the bundle of statues and protection still the prisons are overcrowded, still a person is waiting behind the bars to finally get an opportunity of being heard. The PSI 2021 shows that the Indian prisons are overcrowded and in 17 states, the average prison population rose by 23% from 2019 to 2021. The increase in the percentage of under trial prisoners was also a concern; it rose to 76% in December 2020 from 69% in December 2019.[6] This invites a question that despite having such meticulously drafted laws and rules, why there is no reform in the condition of the prisoners? This paper examines the core problems on the implementation of such laws and shows a comparative study how prison reform system of developed country around the world is improving and what factors can India being a developing country adopt.

5. CRITICAL ISSUES IN THE INDIAN PRISONS SYSTEMS

The Indian prisons systems with the passage of time have evolved from the punitive approach of colonial era to the rehabilitative approach gradually through various committees' recommendations, judicial activism, and model prison manuals and recently one such example for legislative step is Model Prisons and Correctional Services Act, 2023. But the problem still subsists at the ground level. The causes which have led to the ineffective prison system are discussed below:-

3. Constitution of India, Article 22
4. Constitution of India, Article 21
5. Constitution of India, Article 39A
6. National Crime Records Bureau, "The Prison Statics of India 2021"

5.1 Overcrowding prisons

In India, there are total 1,330 jails having capacity of 4, 36, 266 prisoners but as per the latest calculation, there are total 5, 73, 220 prisoners in the Indian prions on 31 December 2022.[7] This demonstrates the fact how Indian prisons are jammed with prisoners excessive to their capacity. This directly raise concern regarding the living conditions of the detainees in the prisons. As per the state-wise data, Uttar Pradesh hold the highest detainees excessive to its capacity i.e., 1, 21, 609 (21.2%) and followed by Bihar having 64, 914; Madhya Pradesh having 48, 857 and Maharashtra having 41, 070. The above said states hold 58.5% of all the prisoners.[8] This clearly demonstrates the violation of Rule 11 and 12 of the Nelson Mandela guidelines[9]. Furthermore, the statistics shows that the occupancy rates has increased from 118% in 2020 to 130.2%.[10]

5.2 Under trial Prisoners Crisis

In pre-trial processes, several people are accused of the minor crimes and are still awaiting for the opportunity of being heard. The external factors including lack of awareness of their rights, poverty, lack of legal-aid, financial assistance, these impoverished people keep on waiting for their turn to be heard. In between of this, these people are detained in the prions and contributes to increase the number of the under-trial prisoners. The dilemma is that despite the supreme court ruling that every detainee has a fundamental right to a fair trial as it is part of their fundamental right under Article 21 of the Constitution, still the detainees continues to suffer.[11]The latest statics shows the following data as to the conditions of the under trial prisoners:

7. NCRB, " Prison Statics India 2022"
8. *Ibid*
9. The Nelson Mandela Rules- UN Standard Minimum Rules for Treatment of Prisoners (2015 Revision)
10. NCRB, " Prison Statics India 2022"
11. State of Andhra Pradesh v. Challa Ramakrishna Reddy (2000) 5 SCC 712.

Convicts	1,33,415 (23.3%)
Under trials	4, 34, 302 (75.8%)
Detenues	4,324 (0.8%)
Female Prisoners	23, 772
Transgenders	97
Under trial mothers	1, 312

Source: NCRB-2022

5.3 Inhuman Living Conditions

The one of the major crisis faced by the prisoners is the compromise with their living conditions in prisons. Despite the ruling by the hon'ble apex court, "prisoner is a person, not an animal" [12] , there has been no notable change in the conditions of the prisons. This highlights a long standing crisis within the justice system, raising concern about the basic human rights of the prisoners, hygiene and their right to life with dignity guaranteed under Article 21 of the constitution. Furthermore, the overcrowding cells often exacerbate conditions of prisons leading to improper sanitation, restricted access to clean drinking water, improper diet, and unhygienic toilet facilities. Despite the judicial intervention the corresponding facilities national wide continues to operate under visible operational and humanitarian distress.[13] The report published in 2019, by Commonwealth Human Rights Initiatives (CHRI), commissioned by Haryana State Legal Services Authority (HSLSA), discovered that 47% of inmates interviewed were subjected to degrading and inhuman treatment, including torture, during police remand.[14]

5.4 Custodial Torture and Deaths

As per the latest statistics by the National Human Rights Commission, India recorded approximately 2,739 Custodial deaths in 2024 following about 2400 cases in 2023.[15] The prisoners are often treated as animals in the prisons and thereby due to lack of accountability,

6. Sunil Batra v. Delhi Administration , 1979 SCR (1)392
7. Re: Inhuman conditions in 1382 Prisons, Writ Petition (Civil) NO. 406 of 2013
8. Abhilash Aggarwal, "The Indian Prison and Apathy of Prisoners in 21st Century: A Reformative Approach"
9. World Organization Against Torturte, "Global Torture Index 2025: Indian Facesheet"

the prison personnel treat them as crap bag and use excessive violence against them, ultimately leading to their deaths. The latest matrix shows that India recorded 170 custodial deaths in the first 74 days of 2026, suppressing the previous year's count of 140 for the same time span.[16]This raises concern about the execution of such meritoriously drafted legislations and invites a question as to despite having several advocates of human rights why the prisoners rights are being violated without any accountability.

5.5 Women Prisoners and Children

The Model Prisons and Correctional Services Act, 2023 provides for the separation of the prisoners under the different heads[17]and one such head is separation of women offenders from other prisoners. India has 34 women jails in 16 states/UT's having capacity for 7,080 women prisoners but only 4, 258 are lodged there. The rest figure of 19,532 are lodged in general jails along with the male prisoners.[18] The NCRB report shows that the Uttrakhand (166.5%) prisons are the highest female overcrowding prisons followed by Bihar (146.8%). This raises concern about the safety of the women prisoners and raises a query about meeting their hygiene requirements. Furthermore, this also highlights the problem of offences committed against women in prisons by the fellow male population matters and the jail personnel. According to the reports, women make up only about 7% of the total prison population yet contributes to figure of 46% of all the sexual abuse victims behind the bars.[19] And it does not stop here, the study shows that 21.2% of female inmates reports incidents of inmate-on-inmate sexual abuse. [20] The judiciary showing its practice role has intervened to improve the case but the history. shows that judicial directions without executive accountability fails.

5.6 Mental Health and Healthcare Facilities

The Indian prisons system faces a major healthcare crisis due to critical staff shortage, overcrowding and lack of psychologists or psychiatrists. It has been observed that the Medical officer vacancy in the prisons has increased to 43%, leading to doctor-to-inmate ration

c. NCRB, " Prison Statistics India 2022"
d. Model Prisons and Correctional Services Act, 2023, Section 26
e. NCRB, " Prison Statistics India 2022"
f. Human Rights watch and the Bureau of Justice Statistics (BJS), compiled by Merson Law
g. National Institutte of Health, "Sexual Violence inside Prisons: Rates of Vitimization –PMC"

far below the standards set by the Model Prison manual. As per the recent figures, there is averagely one mental health worker for thousands of prisoners, with several states having nil sanctioned posts. Moreover, despite the effective laws formulated by the Parliament including Mental Healthcare Act, it is required to provide proper healthcare facilities to the prisoners but still coordination and enforcement between judicial bodies and prisons remain heavily broken.

5.7 Legal Aid Deficit

The constitution of India enshrines the fundamental right to the citizen's free legal aid to ensure the administration of justice and to ensure the equality. However despite the protection and direction under the grudnorm, it is seen in the past years that most of the prisoners are under trial prisoners who due to lack of financial assistance are not able to render legal assistance. The institutional studies shows that a significant portion of the inmates who were recommended to release by the Undertrial Review Committee lacks functional legal representation. The India Justice Report noted a 38% drop in the active paralegal volunteers assisting inmates between 2019. The court has iterated several times that "legal aid" means providing competent and effective representation, not merely to assign any available counsel to fulfill the procedural formality.[21] However; the present status is that the legal assistance to the prisoners still seems delusional. The apex court in the landmark judgment established that a financial disadvantaged accused has a right to free legal aid at the state expenses, and it is effective from the very first day of the dention.[22] however, the reality differs and again reflects the lack of coordination between the judicial directions and their executions.

6 Prison Reform and Judicial Precedents Acting as Savior to the Prisoners' Rights

The concept of sanctions, acting as most important part in administration of justice, has been prevalent in India since ancient times when kings used to rule. After attainting independence in 1947 and shifting from the police state to the welfare state, the year 1949 saw some major reforms upon the recommendations of the *Pakwasa Committee*. The report proposed using prisoners as *"labor for road work"* and "*reducing prison sentences based on good behavior"*. The psychiatric treatment system was also implemented to constitute correctional homes. This was a big step towards prisoner's rehabilitation and reformation. A U.N. Expert on Correctional

21. Nandkishore Mishra V. State of Madhya Pradesh (2026)
22. Hussainara Khatoon & Ors. v. State of Bihar AIR 1979 SC 1360.

Reforms was invited to India in 1951. Dr. W.C. Reckless submitted his report titled "Jail Administration in India" in 1952, which advocated for the establishment of reformation centers and new prisons. The Central Bureau of Correctional Services was created in 1961 and renamed the National Institute of Social Defense in 1975. The 'Working Group on Prisons' submitted its report in 1973, establishing a research unit at the Headquarters of the Inspector General in each state and inculcating budgetary allocations in the Five-Year Plan.[23]

A revolutionary judgment by the constitutional bench was pronounced in 1980, where by it accepted the majority of recommendations made by the Mulla Committee and preserved the basic human rights of prisoners by invoking Articles 14, 19 and 21 of the Constitution. The court considered serious issues such as "inhumane torture," "extortion of money from inmates and their visitors" by jail authorities, and "right to freedom and liberty against overseeing authority," which are guaranteed under Sections 30(2) and 56 of the Prisons Act[24]

A 'National Expert Committee on Women Prisoners' was chaired by Justice V.R. KrishnaIyer which submitted its report on 1st June, 1987. The committee recommended recruiting more female officers in the police force to effectively deal with women prisoners and juveniles. The issue regarding 'health and preservation of human life' of prisoners was said to be of paramount importance to the state authorities and medicalpractitioners.[25] The 'Basic Principles for the Treatment of Prisoners' adopted by the United Nations General Assembly Resolution 45/111 on 14th December, 1990 was accepted by India. Throughout the seven decades since independence, many judicial precedents have been established to ensure the basic human rights of prisoners. The constitutional courts have actively participated in this reformation process by guaranteeing certain fundamental rights such as, right of every prisoner to avail fundamental rights duringdetention[26]; right to live with human dignity[27]; right to healthcare and timely

23. Abhilash Aggarwal, "The Indian Prison and Apathy of Prisoners in 21st Century: A Reformative Approach"
24. Sunil Batra v. Delhi Administration, AIR 1980 SC 1579.
25. Parmannd Katara v. Union of India, AIR 1989 SC 2039.
26. Charles Sobaraj v. Superintendent, Central Jail Tihar, AIR 1978 SC 1514.
27. Kharak Singh v. State of Uttar Pradesh, AIR 1963 SC 1295.

Medical treatment[28]; right to speedy trial[29]; right to speedy justice of under trial prisoners[30]; right to free legal aid[31]; right to receive copy of judgment (cost free)[32]; right against bar fritters[33]; right against handcuffing in public[34]; protection from custodial torture and maltreatment in prisons[35]; right to bail during pendency of appeal[36]; right toeducation[37]; right to reasonable wage for work[38]; right to mothers/pregnant prisoners and child of women prisoners[39]; right to be interviewed[40]; right to socialize with family[41]; right to clean accommodation and sanitation facility[42]; right to cohabitation with spouse[43]; right to compensation on miscarriage of justice[44] and right to leave and special leave.[45]

.

7. Comparative Analysis of the Prisons System of USA and UK with India

7.1 The US Prison system and its comparative analysis with Indian prison systems

The United States prison system works on five core correctional theories that shape sentencing, facility management and inmate programming, namely retribution, deterrence, incapacitation, rehabilitation and restorative justice. The US prison system work on the evidence-based practice and has a distinct approach i.e., views a correctional institution as an integrated organization where security, medical care, administration and rehabilitation programs are conducted to achieve institutional and public safety goals.

28. Rasikbhai Ramsingh Rana v. State of Gujrat (1999) 1 GLR 176.
29. A.R. Antulay v. R.S. Nayak, AIR 1984 SC 1630, Common Cause Society v. Union of India, AIR 1996 SC 1619.
30. Hussainara Khatoon v. State of Bihar, AIR 1979 SC 1360.
31. Sukdas v. Arunachal Pradesh, AIR 1986 SC 991.
32. M.H. Haskot v. State of Maharashtra (1978) 3 SCC 544.
33. Sunil Batra v. Delhi Administration, AIR 1980 SC 1579.
34. Sunil Gupta v. State of Madhya Pradesh (1990) 3 SCC 119.
35. Sheela Barse v. State of Maharashtra, AIR 1983 SC 378.
36. Raj Deo Sharma v. State of Bihar (1998) 7 SCC 507.
37. Mohammad Giasuddun v. State of Andhra Pradesh, AIR 1977 SC 1926.
38. In Re Prison Reforms Enhancement of Wages of Prisoners, AIR 1983 Ker. 261.
39. R.D. Upadhyay v. State of Andhra Pradesh, AIR 2006 SC1946
40. Sunil Batra v. Delhi Administration, AIR 1978 SC 1675
41. Francis Coralie v. Delhi Administration, AIR 1981 SC 746.
42. T.N. Mathur v. State of Uttar Pradesh, 1993 (Supp) 1 SCC 722
43. Maharaja v. State of Tamil Nadu, SLP (Crl.) No. 2270 of 2008.
44. D.K. Basu v. State of West Bengal, AIR 1997 SC 610.
45. Sharad Keshav Mehta v. Union of Maharashtra, 1989 Cri. LJ 681.

The US incarceration rate is approximately 541 to 580 people per 100,000 residents. Nearly 2 million people are locked up across the U.S. criminal justice system bifurcated into about 50% are held in state prisons, 12%in federal prisons and 2% in local jails and remainder in juvenile, immigration and other facilities. The study shows that U.S. holds the highest incarceration rate in the world. [46] the U.S. has taken several steps to move towards rehabilitation and reduce recidivism. The latest legislative enactments include First Step Act of 2018, Federal Prison Oversight Act (2023) and Restrictive Housing Reforms. However, the prison model over there still faces problems such as punitive focus rather than rehabilitation approach, demographic disparities and institutional challenges such as overcrowding, high rate of untreated mental illness, physical violence and custodial torture.

However, the U.S prison system has been proactive in removing the hurdles in governing the prisoners and protection of their rights. The latest legislative enactments shows the proactive role of the legislature and the policy of Smart on Crime Initiative (2013) launched by the justice Department directs the prosecutors regarding the minimum sentencing to the non- violent low-level offenders.[47]

The comparative study between the Indian prison system and the United States prisons systems shows that India has relatively lower incarceration rate dominated by the under trial prisoner, whereas, in United states the dominated population is of sentenced convicts serving terms exceeding one year. This indicates that India is lacking the procedural delay which can be treated by improving legal assistance to the under trial prisoners and disadvantaged sections of the prisoners.

Furthermore, the prison systems in India are strictly state-run and managed by the government personnel only, on the contrary, in United States both public and private model are functional. The challenges faced by both the nations are different as India face hardship in reducing the under trial prisoners and delay in judicial proceedings on the other hand United States faces mass incarceration, system disparity and high right of recidivism.

46. Wikipedia, “Incarceration in the United States “
47. The White House, “Criminal Justice Reform”

7.2 The UK Prison System and its Comparative analysis with Indian Prison Systems

In UK, the HM Prison and Probation Service (HMPS) manage the network of custodial facility whose core responsibility includes running prison and probation services, rehabilitation services for people and reduce recidivism in England and Wales.[48] The UK prison system works on security categorization of the offenders from Category A to Category D, guided by the principle that prisoners to be held with the lowest level of security consistent with the risk they present. The UK prison system works on rehabilitation and reform module by helping the individuals address the root cause of their criminal behavior through education, vocational training, and targeted support programs so they can lead law-abiding lives upon their release.[49] The statistics shows that total prison population in England and Wales was 85, 858 as of June 30. 2026.[50] The below mentioned data shows the statistics breakdown of the prisoner's population in the UK:

Sentenced Population	70, 003 (82%)
Remand Population	15,386 (18%)
Non-Criminal Population	469 (1%)
Foreign Nationals	12%
Women	3, 466 to 3500

Source: Prison Population Statistics published on 06 February, 2026 | House of Commons Library

However, the UK Prison system prioritize the structural rehabilitation approach and has been persistently working to enhance the educational tracks, and structured community reintegration

48. GOV.UK., "HM Prision & Probation Service"
49. Organization and purpose of prisons in England and Wales
50. Offenders Management statistics quarterly : January to March 2026

by National Offender Management Service[51] It is noticeable that the unconvicted or unremanded prisoners make up smaller proportion of the overall custodial population as compared to the Indian custodial population. Furthermore, the Indian System focuses largely on the punitive or custodial model whereas the United Kingdom focus on the rehabilitation model.

The main difference between the two is in the transparency and oversight of the two systems. The Indian prisons systems are operating with strict bureaucratic hurdles and limited independent external oversights whereas the United Kingdom prison systems are more transparent, rights-oriented models and continue to navigate the hardship of operational funding shortage and staff retention.

8. Critical Analysis of Reform Failures and Recommendations

8.1 Colonial Mindset

The India's prison system works on the outdated colonial-era legal framework on punishment rather than the rehabilitation and reformation in which the administration remains to be circulating around the Prisons Act of 1894, which prioritize the retributive theory of punishment over the reformative principles. It is the call of the hour to ensure the effective implementation of the Modern Prison Act of 2023 to ensure rehabilitation, security and digital transparency.

8.2 Budgetary Neglect

The prisons remain drastically underfunded despite the implementation of Modern Prison Act of 2023 therefore raising concern about the institutional neglect and fiscal difficulties within the criminal justice system. As per the data, nearly 48% of the budget is spent on the food, and remainder is consumed in staff salaries and basic security infrastructures. Therefore, leaving 1% for rehabilitation, education and vocational training; 4% for medical and sanitization expenses.

This directly raises concern about meeting the basic requirements of the prisoners where the

9 Dr. Sona Kumar, "Reforming Incarceration: A Comparative Legal Analysis of Prison reform in India, the United Kingdom and the United states in the 21st Century"

cells are already overcrowded. This problem can only be cured by financing bail for indigent persons so that the cells can be decongested which will immediately lower the total expenditure.

Furthermore, it is to be ensured that welfare allocations are spent transparently on rehabilitation rather than being diverted into administrative overhead.

8.3 Staff Crisis

The prison administration is overburdened with 30% staff shortage. The inmate-to-staff ratio is 7:1, which itself might be inaccurate as a large number of staff might be tasked with work that is not directly related to prisoners. The inmate-to-correctional staff ratio stands at 756:1, and the correctional staff which include welfare, law and probation officers is completely absent in 14 states and union territories.[52]

There is a 43% vacancy rate for medical officers, creating a severe healthcare gap where the inmate-to-medical staff ration stretches to 243:1. Moreover, India counts only 25 to 31 psychologists nationwide for an inmate population exceeding 5.1 Lakh, failing to address widespread depression, PTSD, and rising suicide rates among prisoners.

In context to women prisons, India faces a severe shortage for female staff across its prison systems, which compromise the safety, health and reformation of the women inmates.[5333] The shortage often violates basic mandates requiring female supervision for women prisoners, exposing them to structural vulnerabilities and inadequate gender-responsive care.[54] this can only be cured by launching special recruitment drives to fill the vacancy in the jail authority. Furthermore, a centralized oversight is required to monitor the implementation of correctional standards to ensure accountability and improve gender-responsive infrastructure.

9 Conclusion

India has one of the largest under trial prisoners population in the world where nearly 3 in 4 prisoners in India are unconvict and awaiting for their trial. The reason for such a massive

52. Madhurima Dhanuka and Siddharth Lamba, " India's Prision System Needs Urgent Reform", Hindustan Times, Jan 25, 2020
53. Ministry of Women and Child Development , "Women in Prisons : June 2018"
54. Prof. Rajaram Garud and Dr. Anjali Bondar, "Women Prisioners and their Rights: Special Need to Concern"

population is mainly delay in the court proceeding and unnecessary stretch of trials. The another reason is incapacity of the prisoners to furnish the bail bond mainly the financially disadvantaged prisoners. This problem can only be cured by ensuring the free and timely legal assistance to such disadvantaged section of prisoners. The another main hardship faced the prisoners is the social stigma i.e., even if a person has been imprisoned during the trial but later has been released or acquitted, the social stigma of being incarcerated affects the whole family of such prisoners resulting into loss of job opportunity, societal boycotts which directly violates the fundamental right of such person of right to life with human dignity.

The India prison system being shifting from the colonial era to the rehabilitation and reformative approach, it is seen that despite several meticulous laws, the problem lies in the implemtation of such laws. The facilities for rehabilitation such as counselling, mediation, educational etc. are merely on papers and are yet to be executed in reality. Furthermore, the decongesting prisons is still a far off goal.

Moreover, the concept of open jail is one such great approach of reformative model, which was first introduced in Bombay in 1905, Uttar Pradesh in 1953. This concept is highly effective to reduce recidivism, operating on reformation rather than retributive punishment. It significantly lowers operational and maintenance costs, mitigates severe prison overcrowding and improves mental health through social integration. Therefore, considering the present prison conditions in India, it the call of an hour to introduce more of open prisons to attain the maximum rehabilitation and reformation of the prisoners.

Furthermore, the comparative analysis of India, England and Wales, and the United States demonstrates that the future of imprisonment lies not simply in expanding prison capacity but in redefining the purpose and structure of correctional institutions. The England and Wales demonstrate the value of embedding rehabilitation directly into prison rules and connecting custody with probation, education, employment and resettlement. The United States provides a different lesson. It's highly decentralized system has experienced the consequences of large-scale imprisonment but has also developed increasingly structured federal approaches to rehabilitation and re-entry.

Therefore, the central conclusion of the paper is that decongesting of prisons and rehabilitation are not two distinct prison-policy rather are interconnected. The ultimate measure of a correctional system should not simply be how many people it can confine. It should also ask what

happens to those people when they leave. A modern constitutional prison system must therefore move from the idea of imprisonment as the end-point of criminal justice to imprisonment as one stage within a broader process of correction, rehabilitation and social reintegration.

BIBLIOGRAPHY

- **PRIMARY SOURCES:-**

A. CONSTITUTIONAL FRAMEWORK

1. The Constitution of India

B. STATUTES

1. The Prisons Act, 1894
2. The Prisoners Act, 1900
3. The Model Prison Manual, 2016
4. The Mental Healthcare Act, 2017
5. The Bharatiya Nagarik Suraksha Sanhita, 2023
6. The Model Prisons and Correctional Services Act, 2023

C. INTERNATIONAL INSTRUMENTS

1. International Covenant on Civil and Political Rights (1966)
2. Covenant Against Torture (1984)
3. Third Geneva Convention (1949
4. Convention on the Rights of Persons with Disabilities, 2006
5. Beijing Rules (1985
6. Body of Principles (1988)
7. Basic Principles (1990)
8. Bangkok Rules (2010)
9. Nelson Mandela Rules (2015)

D. GOVERNMENT DOCUMENTS AND REPORTS

1. United Nations Office on Drugs and Crimes, “Global prison population and trends : Prison matters 2025”
2. National Crime Records Bureau, “The Prison Statics of India 2021”
3. NCRB, “ Prison Statics India 2022”
4. World Organization Against Torturte, “Global Torture Index 2025: Indian Facesheet”
5. The NALSA Report- UTRC Quarterly Review (Oct-Dec 2025)
6. Offenders Management statistics quarterly : January to March 2026
7. House of Commons Library, “Prison Population Statistics published on 06 February, 2026”
8. National Institute of Health, “Sexual Violence inside Prisons: Rates of Vitimization – PMC”

9. GOV.UK., "HM Prison & Probation Service"
10. Ministry of Women and Child Development , "Women in Prisons : June 2018"

E. CASES

1. State of Andhra Pradesh v. Challa Ramakrishna Reddy (2000) 5 SCC 712
2. Sunil Batra v. Delhi Administration , 1979 SCR (1)392
3. Re: Inhuman conditions in 1382 Prisons, Writ Petition (Civil) NO. 406 of 2013
4. Nandkishore Mishra V. State of Madhya Pradesh (2026)
5. Hussainara Khatoon & Ors. v. State of Bihar AIR 1979 SC 1360.
6. Parmannd Katara v. Union of India, AIR 1989 SC 2039.
7. Charles Sobaraj v. Superintendent, Central Jail Tihar, AIR 1978 SC 1514.
8. Kharak Singh v. State of Uttar Pradesh, AIR 1963 SC 1295
9. Rasikbhai Ramsingh Rana v. State of Gujrat (1999) 1 GLR 176.
10. A.R. Antulay v. R.S. Nayak, AIR 1984 SC 1630, Common Cause Society v. Union of India, AIR 1996 SC 1619.
11. Sukdas v. Arunachal Pradesh, AIR 1986 SC 991.
12. M.H. Haskot v. State of Maharashtra (1978) 3 SCC 544.
13. Sunil Gupta v. State of Madhya Pradesh (1990) 3 SCC 119.
14. Sheela Barse v. State of Maharashtra, AIR 1983 SC 378.
15. Raj Deo Sharma v. State of Bihar (1998) 7 SCC 507.
16. Mohammad Giasuddun v. State of Andhra Pradesh, AIR 1977 SC 1926.
17. In Re Prison Reforms Enhancement of Wages of Prisoners, AIR 1983 Ker. 261.
18. R.D. Upadhyay v. State of Andhra Pradesh, AIR 2006 SC1946
19. Francis Coralie v. Delhi Administration, AIR 1981 SC 746.
20. T.N. Mathur v. State of Uttar Pradesh, 1993 (Supp) 1 SCC 722
21. Maharaja v. State of Tamil Nadu, SLP (Crl.) No. 2270 of 2008
22. D.K. Basu v. State of West Bengal, AIR 1997 SC 610
23. Sharad Keshav Mehta v. Union of Maharashtra, 1989 Cri. LJ 681

- **Secondary sources**

1. Abhilash Aggarwal, "The Indian Prison and Apathy of Prisoners in 21st Century: A Reformative Approach"
2. Wikipedia, "Incarceration in the United States "
3. The White House, "Criminal Justice Reform"
4. Organization and purpose of prisons in England and Wales
5. Dr. Sona Kumar, "Reforming Incarceration: A Comparative Legal Analysis of Prison reform in India, the United Kingdom and the United states in the 21st Century"
6. Madhurima Dhanuka and Siddharth Lamba, " India's Prision System Needs Urgent Reform", Hindustan Times, Jan 25, 2020
7. Prof. Rajaram Garud and Dr. Anjali Bondar, "Women Prisioners and their Rights: Special Need to Concern"