
A COMPREHENSIVE REVIEW OF PRISONERS' EXPERIENCES WITHIN INDIAN PRISONS AND POST-RELEASE REINTEGRATION

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ABSTARCT

No one desires to go to prison, regardless of how well it is managed. The loss of freedom, separation from family and friends, and living in an unfamiliar environment are deeply painful experiences. Yet, despite this, people commit crimes and end up behind bars. Inside prisons, inmates face numerous hardships. Overcrowding, lack of legal assistance, and prolonged trial delays make survival difficult. Many prisoners remain undertrial for extended periods and struggle to navigate the complexities of the court system. Having already committed offenses, some inmates may develop more aggressive behavior in such harsh conditions, hindering their chances of rehabilitation. Today's prisoners grapple with a range of challenges including health problems, inadequate medical care, violence among inmates, insufficient legal aid, and constant anxiety about their uncertain future. Exiting prison is not simply a matter of walking out and returning to normal life. Many former inmates lose their jobs, damage personal relationships, and face altered living circumstances. Upon release, they often experience significant psychological distress, such as social stigma, discrimination, loneliness, and instability. These issues can result in broken families, homelessness, substance abuse, recidivism, overdoses, or even suicide. Providing proper training and support prior to release is crucial to help inmates adjust to life outside prison. Without such assistance, life after incarceration may feel like a different kind of confinement. The journey from release to successful reintegration is fraught with obstacles. This study examines the fundamental purpose of prisons, the historical development of the prison system, and sentencing practices that have contributed to the issue of overcrowding today. It further explores the impact of overcrowding on prison management, the roles and experiences of correctional staff, and the legal measures available to prisoners, including their rights and how they adapt to prison life. The analysis reveals that many Indian prisons face common challenges. To reduce repeat offenses, innovative and supportive strategies must be implemented. Works such as *Life After Life* and *Beyond The Wall* provide valuable insights into this process. Against this backdrop, the author seeks to investigate the hardships

faced by prisoners in Indian jails and propose solutions to enhance their conditions both during incarceration and after release.

INTRODUCTION

In India, the management and administration of prisons fall under the jurisdiction of individual state governments, as prisons are listed as a state subject under Item 4 of the State List in the Seventh Schedule of the Indian Constitution. Prisons are governed primarily by the **Prisons Act of 1894** and the **Prison Manuals** issued by respective state governments. Society expects that criminals will change their behavior and not repeat their offenses in the future. To support this expectation, reformatory and rehabilitative methods must be implemented in prisons. Rehabilitation programs and corrective treatment for inmates are essential steps toward this goal. While prisons serve the purpose of protecting society by isolating criminals and preventing further crimes, they also fulfill the social expectation of retribution—ensuring that those who harm society face appropriate consequences.

India, being a democratic country, upholds the rights and responsibilities of all its citizens, including prisoners. Even though a person is punished and imprisoned, this does not mean they lose their basic human rights. Imprisonment only limits certain freedoms; it does not strip away a person's dignity or humanity. A person in prison does **not become a non-person**. They are still entitled to all fundamental human rights, within the limitations imposed by their imprisonment. No one wishes to be in prison, regardless of how well it is maintained. Being separated from one's liberty, family, friends, and familiar environment is a painful experience. Yet, in enforcing justice, it is important to ensure that even prisoners are treated fairly, with dignity and in line with constitutional and human rights principles.

PRISONS IN INDIA

Prison administration in India is handled by state governments under Entry 4 of the State List in the Seventh Schedule of the Constitution. The central government provides financial support to states for key improvements, including: enhancing prison security, renovating old facilities, improving medical services, setting up borstal schools, expanding facilities for women, offering vocational training, modernizing prison industries, training prison personnel, and creating high-security enclosures.

Indian prisons were overcrowded in 2021, operating at **about 130.2% capacity**. In practical

terms, 130 inmates were being housed where the space was meant for 100 people. Nearly half of undertrial prisoners had already spent **more than two years behind bars**, with **24,033 inmates** in custody for **three to five years**, and **11,490 individuals** for **over five years**, all without conviction.

Key Factors Behind Overcrowding

- **Judicial pendency:** Millions of court cases remain pending, causing severe delays in trials and forcing many to languish in jail before verdicts are reached.
- **Ineffective bail practices:** Supreme Court rulings limiting unnecessary arrests are often ignored, contributing to prolonged detention of undertrial prisoners.
- **Legal aid shortage:** Although free legal aid is constitutionally guaranteed, in practice many cannot access it due to shortages of lawyers, resources, and support services.

A large percentage of inmates come from socioeconomically disadvantaged backgrounds: in 2021, about **67.5% of prisoners** belonged to Scheduled Castes, Scheduled Tribes, or Other Backward Classes. Nearly **48% of undertrial inmates** were aged between **18 and 30**, while another **41%** were aged **30 to 50**.

HISTORY OF PUNISHMENT AND THE RISE OF PRISONS

The shift from corporal (physical) punishment to imprisonment began in the 18th century. One of the key reasons for this change was the rise of humanitarian thinking during the Enlightenment. In earlier times, punishment focused on physically harming the offender—as seen in examples like the “**pound of flesh**” in Shakespeare’s *The Merchant of Venice*. However, modern imprisonment is no longer just about physical punishment. Today, prisons aim to affect both the mind and body of the offender through three main goals: **Punishment**, **Deterrence**, and **Rehabilitation**.

When these three elements are combined, the purpose of prison becomes clearer:

- To **remove criminals** from society and prevent further harm,
- To **satisfy public demand for justice or retribution**,

- To **discourage others** from committing crimes,
- And finally, to **reform the criminal** so they can return as responsible, law-abiding citizens.

Despite these goals, prisons are often places of violence, brutality, and constant stress. Inmates frequently fear for their safety. A long-term prisoner, Jack Abbott, once described this fear, saying:

"Everyone is afraid. It's not emotional or psychological fear. It's practical. If you don't threaten someone, they will threaten you. Many times, you must prey on others, or you'll be preyed upon."

While prisons are meant to reform criminals, their success in doing so is questionable. In many cases, prison does more harm than good. The harsh conditions of prison affect each inmate differently.

When a person enters prison, they often experience a "shock" and must quickly adjust to a completely new way of life. This prison culture is usually very different from what they knew before. For many, the greatest stress comes from losing contact with family and friends. There is also a deep fear of personal deterioration—mentally, emotionally, and socially. Inside prison, inmates have very little freedom or control over their daily lives. Over time, being constantly told what to do can lead to a loss of independence. Some prisoners may even forget how to make choices for themselves, losing confidence in their ability to think and act freely once released.

PROBLEMS FACED BY PRISONERS IN INDIA

1. Overcrowding in Jails

Overcrowding is a long-standing and central problem in Indian prisons. Most prisons exceed their authorized capacity, with occupancy rates regularly rising above 100%. This overcrowding prevents humane living conditions, overwhelms infrastructure, and makes it difficult to deliver correctional services. It also contributes to higher rates of violence and indiscipline, and forces prison staff to spend more time on basic logistics (food distribution, security, etc.) rather than rehabilitation. The primary driver of overcrowding is the large number

of undertrial detainees. Offering alternatives to prison for non-violent and civil offenders could help ease the pressure.

2. Deaths in Prisons

Inmate deaths are deeply concerning. They fall into two broad categories:

- **Natural deaths** (illness or age-related), and
- **Unnatural deaths**, such as suicide, inmate-on-inmate violence, executions, shootings, or negligence by prison authorities. On the positive side, most prisons do maintain ambulances for emergencies.

3. Poor Living Conditions

Overcrowding directly leads to extremely poor living conditions. Many prisons lack adequate water, bathrooms, and hygiene facilities. Inmates may go days or weeks without bathing, and toilets are often dirty or insufficient. Staff shortages mean prisoners can be locked in their cells for over 23 hours a day, with little fresh air, sunlight, or clean clothing. These conditions violate basic human rights and create a distressing environment.

4. Insufficient Healthcare and Welfare Spending

In 2009, Indian prisons spent an average of Rs 17,725.90 per inmate per year across categories such as food, clothing, medical care, education, and welfare. Prisoners often enter a frightening environment—cramped, isolated, full of anxiety, and scarred by previous trauma. Mental health issues are widespread, but trained psychiatric counsellors are almost entirely absent. Poor nutrition, lack of exercise, extended lock-up hours, illegal cooking, and unhygienic conditions undermine both physical and psychological well-being.

5. Staff Shortages & Poor Training

Although Indian prisons are authorized to have about 49,030 staff members, only around 40,000 are employed currently. Medical personnel are particularly scarce; many district prisons have no full-time doctor and rely on visiting physicians. Inadequate staffing also means poor supervision, leading to long lock-ups and further health issues.

6. Lack of Legal Aid & Extended Detention

Although Article 39-A of the Indian Constitution guarantees free legal aid, many prisoners—especially poor and undertrial inmates—are unaware of their rights and have no access to legal assistance. Landmark cases like *Hussainara Khatoon v. State of Bihar* have affirmed the right to legal aid under Article 21, but implementation remains weak. As a result, many prisoners languish in jail without formal representation or information about their cases.

7. Abuse & Torture

Physical abuse by prison staff is unfortunately common. Reports include beatings, solitary confinement, forced nudity or hooding, teargas use, excessive standing in water, denial of food or medical care, and coerced signing of documents in unknown languages. Women in prison are particularly vulnerable to sexual abuse, especially when overcrowding and understaffing make supervision difficult.

8. Women Prisoners Face Unique Challenges

Although women prisoners make up a small fraction (typically 2–9%) of the overall prison population, most facilities are designed for men—their needs are largely ignored. Female inmates often experience medical neglect, lack of separation from violent inmates, mental health issues, motherhood separation, and inadequate hygiene or sexual health services. Societal marginalization, poverty, and lack of support systems make reintegration especially difficult for women.

9. Corruption & Extortion

In many prisons, staff are poorly paid and insufficiently monitored. This breeds corruption: inmates must pay bribes for basic rights—such as access to doctors, lawyers, transfers, even food or water. The wealthy can buy privileges, while poorer inmates remain trapped in harsh conditions.

10. Lack of Structured Prison Programs

Although a few prisons have started innovative programs—such as the Art of Living’s SMART courses in Tihar Jail or the Srijan social rehabilitation project—these remain rare exceptions.

Most vocational training programs are outdated or poorly planned, and very few prisons offer consistent pre-release preparation or post-release support.

LEGAL FRAMEWORK PROTECTING PRISONERS IN INDIA

1. The Indian Constitution

Prisoners retain key constitutional rights under **Part III**—they remain persons with legal standing. **Article 14** guarantees equality before the law and encourages classification of prisoners (e.g., undertrial vs. convicted) to facilitate fair treatment and rehabilitation. While **freedoms** like movement, residence, and profession are restricted, other fundamental rights remain enforceable inside prisons. Relevant provisions include: **Article 20(1) & (2)** – protection from retrospective laws and self-incrimination, **Article 21** – protection of life and personal liberty, **Article 22(4–7)** – rights during arrest and detention. Landmark cases like *Hussainara Khatoon v. State of Bihar* affirm that prolonged detention of undertrial prisoners violates Article 21 rights.

2. Prisons Act, 1894

India's original prison legislation includes explicit provisions to protect prisoners' rights, such as: Adequate accommodation and sanitation, Health assessments, regular medical examinations and mental health care, Classification and separation of prisoners by gender, status, and offense, Rules for parole, temporary release, and treatment of civil prisoners.

3. Prisoners Act, 1990 It Mandates treatment and medical care for prisoners declared of unsound mind and also Empowers high courts to recommend free pardons for eligible inmates.

4. Transfer of Prisoners Act, 1950 Allows transfer of prisoners between states or between overcrowded and lesser-populated jails, improving access to rehabilitation and training facilities.

INTERNATIONAL STANDARDS & HUMAN RIGHTS INSTRUMENTS

- 1. UN Charter & United Nations Declarations :** All prisoners are meant to be **treated with dignity**, without discrimination. They retain rights outlined in the **UDHR**, **ICESCR**, **ICCPR**, and other UN covenants, including humane treatment, fair trials,

and prohibition of torture.

2. **UN Standard Minimum Rules (Nelson Mandela Rules) :** States must prohibit torture and cruel treatment, ensure timely legal redress, and criminalize torture under national law.

MAJOR VIOLATIONS OF PRISONERS' RIGHTS IN INDIA

Despite these laws, violations remain pervasive:

Supreme Court Observations (Rama Murthy v. State of Karnataka, 1996)

The Court enumerated nine chronic issues plaguing Indian prisons:

- Overcrowding
- Trial delays
- Torture and ill-treatment
- Neglect of health and hygiene
- Poor diet and clothing
- Prison vices
- Communication deficiencies
- Poor visitation arrangements
- Gaps in open-air prison management.

Other Common Violations

- **Torture and abuse:** Physical and psychological abuse, custodial rape and coerced compliance continue in many jails.
- **Deaths in custody:** Between 2021–22, **2,152 deaths occurred in judicial custody** and **155 in police custody**, often with uncertain accountability. Only **26 convictions**

resulted for over 1,888 deaths across 20 years.

- **Neglect of healthcare and hygiene:** Many prisoners lack basic medical attention, counselling, nutrition, or clean living facilities.
- **Lack of legal aid:** Despite Article 39-A and *Hussainara Khatoon*, many undertrial detainees remain unaware of their right to free representation.
- **Corruption and extortion:** With low staff pay and weak oversight, many rights—basic sanitation, access to counsel, even food—are “sold” through bribes.
- **Gender-specific abuses:** Women prisoners face medical neglect, separation from children, inadequate reproductive healthcare, and heightened vulnerability to abuse.

CHALLENGES FACED BY PRISONERS AFTER RELEASE

The journey from prison back into society is not easy. Former prisoners face many difficulties that can affect their mental health, social relationships, employment prospects, and overall ability to lead a normal life. These challenges, if not properly addressed, can lead to reoffending and reincarceration.

1. Mental and Emotional Struggles

Trauma and mental health issues: Incarceration can be mentally exhausting. Former prisoners often experience depression, anxiety, and post-traumatic stress, **Depression:** Adjusting to life outside prison is emotionally difficult. Feelings of loneliness, shame, and frustration are common, **Anger management:** In prison, aggression is often used as a defense. Outside, it becomes socially unacceptable, making it difficult for individuals to adapt, **Addiction:** Some prisoners struggle with substance abuse before or during incarceration. Without treatment or support, addiction can lead to relapse after release and **Culture shock:** After years in prison, ex-inmates may be overwhelmed by changes in technology, language, and social norms. They often feel lost and disconnected.

2. Lack of Support System

No family or social network: Many released prisoners don't have strong support systems. Some are rejected by their families due to stigma or past behavior and **Difficulty rebuilding**

relationships: Incarceration changes family dynamics. Reconnecting with loved ones can be emotionally complex and painful.

3. Financial and Employment Barriers

Unemployment: Former inmates face high levels of joblessness due to: Lack of education or job skills, Criminal record, Employer discrimination. Further **No financial stability:** Without a job or support, many struggle to meet basic needs like food, shelter, and transportation and **Risk of reoffending:** Financial desperation may push them back into crime.

4. Social Stigma and Identity Crisis

Negative perception by society: Ex-prisoners are often seen as criminals, even if they've served their time. This leads to loss of self-esteem and isolation and **Loss of identity and confidence:** People may lose hope and stop believing they can return to normal life.

5. Reentry Confusion – Not Knowing Where to Start

Overwhelming process: Reentry involves finding housing, work, reconnecting with family, and dealing with legal or parole requirements—all at once, **Especially hard for young offenders:** Those who were incarcerated at a young age may have no experience of adult life outside prison, **Need for guidance:** Many don't know where or how to start rebuilding. Reentry support programs are essential to guide them through the process.

6. Housing and Environmental Difficulties

No safe place to stay: Many released inmates don't have access to stable housing. **Unsafe environments:** Some return to neighborhoods with high crime rates or lack of support, increasing the risk of reoffending. **Adjustment to the outside world:** They struggle with reintegrating into a society that feels unfamiliar and unsupportive.

7. Legal and Systemic Barriers

Employment restrictions: Some jobs or licenses are unavailable to those with criminal records. **Limited access to services:** Former prisoners often face discrimination when trying to access education, housing, or healthcare. **Lack of legal knowledge:** Many don't understand their rights or the support systems available to them.

KEY TO SUCCESSFUL REENTRY: SUPPORT AND REHABILITATION

To reduce recidivism (reoffending) and help individuals lead a productive life, reentry programs should focus on: Education and skill development during incarceration, Job training and employment placement support, Mental health and addiction counseling, Legal aid and reentry planning, Community support and mentoring, Restoration of dignity and identity.

“Even a minor criminal record can create lifelong barriers. Reentry must focus on rebuilding - not punishment.”

POSITIVE OUTLOOK: A CHANCE FOR CHANGE

As Mahatma Gandhi once wisely said, ***“Hate the crime, not the criminal.”*** This principle should guide our approach toward the treatment and reformation of prisoners. A person is sent to prison as a punishment, not for punishment. The goal of imprisonment should not be to strip away an individual’s dignity, liberty, or hope, but to correct and reform behavior while safeguarding fundamental human rights.

OPPORTUNITIES FOR TRANSFORMATION

When incarcerated individuals are given access to education, skill development, mental health counseling, and addiction treatment, they are far more likely to return to society as productive, law-abiding citizens. Such programs not only help reduce recidivism but also enable former prisoners to rebuild their lives, create employment opportunities, and contribute positively to their communities. Unfortunately, basic human rights are routinely violated in many prisons. Overcrowded and unsanitary cells, poor hygiene, lack of nutrition, and inadequate healthcare create inhumane living conditions. Incidents of custodial rape, torture, and deaths in custody—sometimes under the guise of "encounters"—highlight systemic abuse and neglect. Right to life, a fundamental right guaranteed under both Indian law and international conventions, is often disregarded. Between 2016 and 2018, the prison mortality rate in India rose from 303 to a staggering 344 per 100,000 prisoners, signalling deep-rooted issues in the penal system. Malnutrition, lack of medical care, mental health crises, and abuse are among the leading causes.

SYSTEMIC SHORTCOMINGS

The core question remains: *Are prisons truly providing the tools and environment necessary for reformation?* The answer, in many cases, is no. The lack of trained and motivated prison staff, along with overcrowding due to rising crime and delays in justice, severely limits the scope of reform and training. Many prisoners, especially undertrials—who account for 80% of the prison population—languish in these facilities without proper legal aid or humane treatment. These individuals, many of whom haven't even been proven guilty, are forced to live under degrading and brutal conditions. Without proper guidance, vocational training, post-release support, or rehabilitation planning, many released individuals end up in the same environments that led them to commit crimes in the first place—thus repeating the cycle.

CONCLUSION: REHABILITATION, NOT REJECTION

A prisoner is not always a criminal. Society often views incarceration as a permanent stain, forgetting that many offenses arise out of desperation, misguidance, or systemic failures, not from inherent criminal intent. After serving their sentence, prisoners deserve a second chance—an opportunity to reintegrate, rebuild, and reclaim their identity. While prisoners are lawfully deprived of certain rights such as freedom of movement, they are still entitled to dignity, equality before the law, and basic human rights, as outlined in the Universal Declaration of Human Rights (UDHR) and guaranteed by the Indian Constitution. These rights should not be suspended simply because someone is behind bars.

WAY FORWARD :

To truly ensure justice and prevent reoffending, systemic reform is crucial. This includes:

- Improving prison infrastructure and living conditions
- Ensuring speedy trials to reduce undertrial populations
- Hiring well-trained, empathetic prison staff
- Providing legal aid, especially to the poor and marginalized
- Introducing structured rehabilitation programs inside prisons

- Offering mental health support and vocational training
- Creating transitional housing and job placement assistance post-release
- Strengthening oversight through regular judicial inspections

A **multi-agency effort**—involving the police, judiciary, prison authorities, NGOs, and civil society—is essential to ensure that reformation, not punishment, becomes the focus of incarceration.

A HUMANE AND JUST SYSTEM

A civilized society is judged not just by how it treats its law-abiding citizens, but by how it treats those who have violated the law. **Prisons should not be factories of suffering, but centers of rehabilitation and hope.** Only by adopting a **humanitarian and reform-oriented approach** can we transform prisons from places of despair into stepping stones toward a better life—for individuals and for society as a whole.

“Justice should not end at the prison gate. It should begin there.”

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