

RETHINKING REHABILITATION: THE INTERSECTION OF PRISON REFORM AND MENTAL HEALTHCARE PROVISION IN INDIA

***LAKKOJU LIKHITHA**

1. Introduction-

Reaction to crime has been different at different times depending on the social change.¹ Prisons have been during historical time have them used them as institutions for detention and punishment of offenders; the punishments have been changed from time to time. In the ancient period, prisoners are granted imprisonment, which can be used as a temporary measure to detain the wrongdoers before trial. During the medieval period, the 16th-17th century, prisoners' rights were not recognized, and punitive punishments such as torture, abuse, threats to prisoners, corporal punishment, and the death penalty were given by the supreme authority.

Keywords-

Rehabilitation, Reformation, Incarceration, Psychologist, Reintegration, Psychiatrist, Mental health facilities.

Purpose Of Study-

The purpose of this research is regarding the mental healthcare facilities regarding the prison system and to emphasize the difficulties faced by prisoner's during their time in the prison, Prison institutions are used for the reformative of prisoners but they lack the mental healthcare facilities, overcrowding, health facilities, detachment from the family members lack of professional help leading to deprive of the mental health among prisoners. The role of rights relating to the prisoners can also be considered.

Research methodology-

The research study follows a doctrinal research methodology to examine the condition of prison reforms, focusing on the mental healthcare facilities in regard to prison institutions. The

*Smt Velagapudi Durgamba Siddhartha Law College

¹ Ahmad siddique, Criminology Problems & Perspectives pg.12 (Eastern Book Company)

research is based on government reports, statistical data based on the research, and government publications regarding the insight into the prison framework regarding the prisoners. The main source for research was taken from the Ministry of Home Affairs, National Health Care, National Crime Bureau records, and Human Rights Commission reports. Secondary used case laws related to the rights of the prisoners obtained through Indian Kanoon.

Research framework-

The research focused on the Mental health care facilities provided for the Prisoners during their time within the prison and their administrative functions, which impact the rights of the prisoners. So for the study purpose taken US, UK, and India prison reforms. The healthcare facility plays a vital role in the prison institution.

The prison also faces the issues regarding overcrowding, poor hygiene conditions, instances of torture, solitary confinement is mainly developing problems relating to the mental health of the prisoners. Prisoners face psychological distress among prisoners due to confinement during a trial, and the distance between their family members, not knowing about the basic details can lead them into severe depression, etc.

2. HISTORICAL BACKGROUND-

During the 18th century, the reformation of prisoner's underwent a significant transformation due to the rise of Enlightenment philosophy. This philosophy emphasized reason, human dignity, and individual rights. Many reformers began questioning cruel penal practices and raising awareness about humane treatment. Although John Austin, from the positive school of law, stated that law is the command of the sovereign backed by sanctions². Enlightenment thinkers shifted the focus toward the rehabilitation of prisoners.

Austin's theory of law lost influence after the Second World War, as the global community took steps to safeguard human dignity and rights. The United Nations was established in 1945 and adopted the Universal Declaration of Human Rights, which laid a foundation for human rights worldwide. This on-going legacy has taught the importance of prisoners' rights and that they should be treated with dignity and respect.

² INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES [ISSN 2581-5369] Volume 6 | Issue 1 2023

Parole was emerged in modern form, it was evolved during the mid-nineteen century, during the period of 1840 in British penal colonies. The ticket of leave system was introduced by Alexander Maconochie³. Parole was considered a reformatory measure. The main purpose of granting parole is granted by the supreme authority for the rehabilitation of the convicted prisoner in society based on “peace” and treating humans with equality. The main aim of parole, based on the term “release on parole is a wing of the reformatory process and is expected to provide opportunity to the prisoner to transform himself into a useful citizen.”⁴

The main objective of prison reforms is to “repair deficiencies in behaviour of the prisoners and return individuals to society as productive human beings.” The modern prison system emphasizes the prisoners' mental health and well-being, taking into account psychological counselling, education programs for the prisoners, vocational training, and providing moral guidance to the prisoners.

For juvenile offenders, the Indian legal framework under the Juvenile Justice (Care and Protection of Children) Act, 2015⁵ adopts a distinctly reformatory and rehabilitative approach. It focuses on education, skill development, counselling, and social reintegration rather than punishment. Respect, discipline, and personal development are emphasized to ensure that young offenders are successfully reformed and reintegrated into society.

Thus, the evolution of prison reforms from different periods of time tells about how the retributive punishment has shifted towards a reform-oriented system regarding the prisoner. The modern penal system aspires not merely to punish but to reform, rehabilitate, and restore individuals as responsible members of society.

3. Prisons Reforms in United States -

Currently, as of 2025- 2026, the United States prison and jail population is approximately 1.83 million people, holding the highest number of prisoner's worldwide.⁶ The US prison rules are strict compared to the Indian system. Approximately, according to the research made, nearly

³ Alexander Maconochie and the Development of Parole, 67. Journal of Criminal Law and Criminology. 1976

⁴ Devi v. State of Delhi, 1996 (36) DRJ 545

⁵ Juvenile Justice (Care and Protection of Children) Act, 2015

⁶ Bureau of Justice Statistics, Census of jail (2025-2026)

65% inmates face mental health issues caused by the trauma, prison lifestyle, and workload in prison.

Mental health has grown rapidly in recent years in the context of prioritizing prison reforms. In this context, according to the Federal Bureau of Prisons (BOP), they have implemented various policy reforms to address and treat inmates suffering from mental illness. BOP provides psychologists and psychiatrists who prevent the inmates from suicide⁷. They conduct suicide prevention programs and help the inmates. Every staff member of BOP is well-trained, and they give lectures regarding suicide prevention, as it is important to both the inmates and their family members.

Another critical issue affecting the mental health and rehabilitation of prisoners is substance abuse. The Federal Bureau of Prisons has been providing intensive substance abuse treatment programs for its inmates for over two decades⁸. Among the most successful programs is the Residential Drug Abuse Program (RDAP), which is designed to address the issue of recidivism through rehabilitation and therapy sessions for inmates struggling with substance abuse. The program focuses on Medication-Assisted Treatment (MAT) for inmates who have a history of opioid dependence. This program is particularly important in helping inmates transition into society after release from prison through a combination of medication and therapy sessions.

Numerous studies have proven that maintaining positive family relations during the time of incarceration reduces the rate of recidivism and increases the possibilities of successful reintegration into society. Based on this knowledge, the Federal Bureau of Prisons implemented a series of family-centred programs to strengthen the relationship between inmates and their families. The programs include the expansion of video-conferencing visits to enable inmates to stay in touch with their families who might not be able to physically visit them in prison. They even allow for the option of parole for conduct of good behaviour. The Federal Bureau also introduced pilot programs to support children of inmates by engaging them in positive youth development activities and offering them emotional support. They allow the inmates to go for long walks with the help of guards. Other supportive measures include offering guidance to inmates on how to stay in touch with their children placed in foster care,

⁷ Mental Health Care, Fed. Bureau of Prison

⁸ See Supra note 7

disseminating materials to parents and correctional staff, and partnering with other organizations to develop model policies that can be used by state and local prisons.

4. Prison Reforms in United Kingdom

The UK's prison reforms have provided quality healthcare to approximately 97,800 prisoners, with Statista reporting 87,900 in England and Wales, 8,000 in Scotland, and 1,900 in Northern Ireland.⁹

The UK Prison reforms provide psychiatrists and psychologists to the prisoner's when they enter prisons. The Mental Healthcare Act was specifically brought in for the prisons in 2006, named the prison medical service, which was the first mental healthcare service. Then, in the years 2018-2021,¹⁰ the National Partnership Agreement for Prison mental healthcare was established. This act is brought into force to eliminate the inequalities between the prisoners. According to the 2023 survey, there were many juvenile prisoners 7000 but in 2026,¹¹ we can see a gradual decrease in the juvenile prisoners. Among the UK prisons, England and Wales have the highest incarceration rate.

Within the first 24 hours, the prisoners have a session with the psychiatrist and psychologist regarding their physical and mental well-being. They will know about their rights, and they will have sessions and therapies for alcohol and drug addiction. The UK, with the Social Healthcare 2014¹², provides that a prisoner who is having a terminal illness may apply for the compensatory early release scheme, which was only available in the UK. The UK brings new reforms and change accordingly for the well-being of the prisoner according to the societal changes and they bring many compensations and provide many sessions for the prisoners due to them we can see decline in the self-incarnated deaths of the prisoners we can see a decline of the 12% comparatively.

⁹ Prison system in United Kingdom, statista
<https://www.statista.com/topics/11597/prison-system-in-the-uk/?srsltid=AfmBOopZbYQVW68qgp58JfdEW5CxfHd2xRny3HsyF0hrZ3-MOjllqnnT>

¹⁰ Paul Hayton & John Boyington, Prisons and Health Reforms in England and Wales, 96 AM J Public health. 1730(2006)

¹¹ National Partnership Agreement for Health and Social Care for England: Improving the quality of services for people in prison (2022-2025)

¹² Early release on Compassionate Grounds Policy Framework, Gov.UK

5. Prison Reforms in India-

Prisoners deserve punitive actions, but not at the cost of their mental life. judiciary need to provide consultation with the psychologist's, therapy-sessions, assessments of checking their mental status during their life in prison. However to note from NCRB report 32%¹³ of the prison population admitted during the year 2022 comprised repeaters or habitual offenders. Majority of these prisoners are underprivileged, uneducated, and are not aware of the society.

The mental health of Prisoners may be deprived due to the abuse they face in the prison by the fellow inmates so segregation of the inmates is must in the prison by that we can help the small time prisoners from abused by the other prisoners. In India particularly according to the underreporting, reports indicate that a significant portion of the country's over 55,544 inmates are subjected to various forms of abuse, including torture, sexual violence, and inhumane conditions.¹⁴ According the life of the prisoner's in the jail period we can say that police officials treatment towards them may cause a lot of trauma and that may lead them to the mental and physical trauma. According to National Human Rights Commission report we can say that 2,739 custodial deaths¹⁵. Custodial deaths happen mainly due to the Lockups, abuse, poor conditions of jail, lack of health care. Already NHRC in the instructions of human rights of prisons highlighted about the the newly admitted prisoners prisoner's should go under observation by the psychologist's. Those who appear to be psychologically abnormal show the signs of suicidal tendency.

The suicidal signs of inmates can be clearly identified through the behavioural assessment or interviews taken during the initial stage of their life in prison. The therapies that prisoners can take are Cognitive Behavioural Therapy (CBT) and Dialectical Behavioural Therapy (DBT), mainly provided for female inmates. Tailored interventions, including Cognitive Behavioural Suicide Prevention (CBSP), and the prisoner's can also go under psychotherapy, and the prisoners who are addicts of drugs or alcohol can go under addiction treatment.

The Indian prisons majorly face overcrowding in the prison system. For example, the 2025-2026 financial year. Tihar jail is experiencing severe overcrowding, indicating the prisoners over 18,000 to 19,500 prisoners against a sanctioned capacity of approximately 5,200 to 10,026

¹³ National Crime Records. Bureau ,Prison Stastics India 2022 (Ministry of Home Affairs)

¹⁴ Confronting Custodial Violence & Torture in India, The Law Institute

¹⁵ U.S. Department of State, Country Reports on Human Rights Praticse

across its 16-jail complex.¹⁶ This results in over 200% occupancy rates in some areas, forcing prisoners to sleep in shifts, while roughly 90% of inmates are under-trial.¹⁷

The Indian judiciary recognized the right of prisoners by the judicial activism in various cases and regarding about the role of psychariat in the prison system and solitary confinement should be imposed only on rare conditions was first time emphasized in the **Sunilbatra vs delhi administration**¹⁸

Prisoners have the fundamental right and they cannot be curtailed the right to life includes includes basic human right, legal right and fundamental right was clearly emphasized in the **Challa ramakrishnareddy vs state of A.P**¹⁹

The Indian prison system follows mental health care act which will be taken into consideration for the prisoners also. Under the Constitution of India, the right to life, liberty, and personal freedom provided in Article 21²⁰ includes the right to live with dignity; this includes prisoners too. It clearly says that even if a person commits a crime, their basic right to live and dignity cannot be deprived. There have been judicial directions against cruel treatment of prisoners, torture, and inhumane treatment inside prisons. While in jail, communication with the outside world gets snapped, with the result that the inmate does not know what is happening, with their family members due to this they may fall into depression. This causes additional trauma. Due to this, the prisoners' mental health will be affected and there will be many behavioural changes in the prisoners.

6. Comparative Analysis-

Prisons in many countries worldwide have come to understand the significance of mental health in rehabilitation and reducing recidivism. The approach to mental healthcare in prison has been quite different in countries like the United States, the United Kingdom, and India.

¹⁶ Welcome to Tihar Prisons, Delhi Prisons. <https://tiharprisons.delhi.gov.in/tiharprisons/welcome-central-jail>

¹⁷ See Supra note 16.

¹⁸ Sunil Batra vs Delhi Administration, 1980 AIR 1579, 1980 SCR (2) 557

¹⁹ State Of Andhra Pradesh vs Challa Ramkrishna Reddy & Ors, AIR 2000 SC 2083

²⁰ India Const. art. 21.

The US and UK have the 24-hour rule²¹, which is applicable for the mental health check-up of the prisoners, compared with the Indian prison system. The US focuses on the incarceration of prisoner's rather than on the mental well-being of the prisoners, which leads to a high level of mental illness in the prisoners. Solitary confinement was largely used, which led many prisoners into depression. The US laws are very strict, and prisoners even get double life penalties. UK prison reforms are based on the National health care which effects the prisoners there was delay in prisoners approaching the mental health care facilities which leading them to lot of stress, they have the proper mechanism but the implementation is delayed, UK provides best welfare programs for the prisoner's after they go out of the prison NGO's and government help them to find the jobs which helps them economically and the mental health care services are even provided. Indian prison reforms are very different compared to the US and UK. The implementation of solitary confinement is very rare, but India faced overcrowding, poor jail facilities, and no proper psychological sessions were taken immediately for the prisoners. The prisoners have the right to life, which was clearly stated by judicial activism. Compared to the US, UK prison reforms, India is progressive law relating to the Mental health care.

7. Conclusion-

To conclude, India prison system should focus on developing of the Mental healthcare facilities regarding the prisoners and the prevailing conditions like overcrowdings, health care facilities, hygiene should be taken into consideration as they are adversely effecting the mental health of the prisoners, new guidelines should be introduced by the National Human Rights commission regarding the prisoners rights by providing them pyscological aspects and invoking the 24 hour rule policy which was already adapted by the US,UK prison reform system. Furthermore, reducing the number of undertrial prisoner's is the primary step towards the reformation. The government should focus on the judicial administration and focus on the rehabilitation of the prisoners.

Suggestions-

²¹ Megan Georgiou, Francesca Coll, Dr Huw Stone and Dr Steffan Davies, Standards for 24 Hour Mental Healthcare in Prisons: Quality Network for Prison Mental Health

1. NHRC should formulate new guidelines regarding the prison reforms.
2. Should develop psychological and psychiatrists medical units for the prisoners.
3. Should implement Mental Health Care Act, 2017 Which guarantees Mental health as a right for the prisoner.
4. Fast track the cases of Under trail Prisoner's as they help in decreasing the overcrowding in prisons.
5. Train Prison administration officers regarding the symptoms of anxiety, depression.
6. Perform Awareness programs regarding the suicide prevention acts.
7. Should collaborate with the peer groups, NGO's for the mental health care facilities.