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Empowering Voices of the Incarcerated for Meaningful Reform

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ABSTRACT

Every saint has a past, and every sinner has a future” by Oscar Wilde. This paper examines various aspects of prison advocacy and the importance of highlighting systemic factors across global incarceration systems. It debuts the paper by emphasizing the notions and significance of prison advocacy, addressing matters like overpopulation, lack of access to legal aid, and issues on particular genders. The research article talks about the history of prisons and how it evolved and the emergence of advocacy movements throughout the country shedding light on the crucial junctures in the way of reform initiatives providing a better understanding of the sociopolitical milieu in India. It also explores systemic issues, focusing on the repercussions of punitive incarceration models and importance of rehabilitation related approaches. This paper states advocacy goals, techniques, and relevant case histories to explore the part of influencer activities, which encompasses non-governmental organizations, policymakers, and community support systems. Even with substantial advancements, challenges including opposition to legal reforms, lack of resources, and societal stigma persist in hindering progress. The study wraps up with specific recommendations and a forward-thinking framework aimed at creating a fair and humane prison system, promoting enduring reform through evidence-driven approaches and strengthened advocacy initiatives.

Keywords: Prison Advocacy, Punitive Incarceration Models, Rehabilitation Approaches.

I. INTRODUCTION

Imagine a pathway uniting two detached worlds, cleaved by an immense gulf. From one stand point it is promise of hope, humanity, and reintegration and on contrary a world of stigma, retribution, and confinement. This path helps prison advocacy as an ever-changing force that works to bridge the gap between reform and incarceration. Although incarceration has traditionally been viewed as a means of punishment and deterrence, its current application often perpetuates a cycle of neglect and despair for individuals. Proponents argue that the true objective of justice should focus on restitution and rehabilitation instead of mere punishment.

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Likewise, a new path prison advocacy depends on collaboration, foresight and resilience to effectively reform an unjust system. This prison system struggles with a lot of challenges, like insufficient access to competent legal representation, overcrowding, with less rehabilitative programs, and systemic discrimination based on race, gender, and socioeconomic status.³ Health care and educational opportunities within incarceration tend to be insufficiently funded, while stereotypes and legislative barriers hamper significant advancements. This white paper aims to explore how prison advocacy deal with systemic issues and advocate changes. The historical development of prisons, the rise of advocacy movements, and the structural problems of India will all be covered. Further, this research makes practical suggestions, and construct a future justice system that places a high priority on rehabilitation, equality, and humanity.

II. HISTORICAL CONTEXTS

- **Ancient and Medieval Times:**

In ancient India deterrence was sought through fines, exile as well as physical punishments, not incarceration the primary function of prisons was to accommodate people-all awaiting trial, or punishment. This has wider implications on crime and punishment because, while the prisons of the day were quite a-harsh and often utilized for political or religious disputant, the medieval period inspired by Islamic Jurisprudence found a way to classify crimes.

- **Colonial Periods:**

The current system of jail was centrally controlled administration with repressive goals, which was controlled by British. The Prison Discipline Committee (1836-1838) introduced for systematic imprisonment. In colonial rule, jails were frequently used for punitive punishment and hard labour to suppress resistance, particularly during India's independence fight. During the colonial era, reformists such as Sir Alexander Cardew advocated for improved jail treatment and an end to harsh circumstances. Activists like Mahatma Gandhi, who went to imprisonment, outraged against the demeaning of colonial rule. As a result, there was a need for change to improve inmates' living conditions⁴.

- **Post-Independence Developments:**

Post- India 1947, inherited a repressive penal system but succeeding reforms shifted emphasis towards rehabilitation and correction.⁵ Towards the end of the 20th century, several committees

³ Joseph Reyna, *Beyond Rhetoric: Transformative Pathways for Prison Reform and Social Justice* (2024).

⁴Shrivastava et al., Roy, Breaking Free: Unlocking the Bars of India's Prison Reform Saga, **4 Indian J. Integrated Rsch. L.** 226 (Volume IV, Issue VI).

⁵ Bhawna Gandhi & Muneeb Rashid Malik, *The Transforming Landscape of Prisons of India: A Radical Approach*, **2 Int'l J. Legal Sci. & Innovation** 660 (2020).

including the Mulla Committee (1980–1983), recommended transforming jails into institutions focused on skill development and rehabilitation.⁶ In Post-Independence advocacy efforts were stronger, concentrating on issues like as overcrowding, rehabilitative needs, and undertrial for offenders. Reform was initiated by judicial activism, which was further highlighted by landmark decisions like **Hussainara Khatoon v. State of Bihar (1979)**⁷. NGOs and recent advocacy organizations like the National Human Rights Commission (NHRC) remain active in advocating for the rights of prisoners by supporting projects for restorative justice, skill-building, and mental health care. Collectively, these efforts have played a significant role in changing prisons from punitive institutions to correctional centres that prioritize rehabilitation.

III. EVOLUTION OF PRISON REFORMS

In the colonial period, India's imprisonment has progressed through various stages. The Indian Reform Act, 1894, it is the show law managing the organization and organization of detainment offices in India. The Indian Jail Reforms Committee (1919-1920) was actualized to move forward the way of life of prisoners. Changes displayed post-independence, the Mulla Committee Report (1983), which basically centred on recuperation by tending to issues like healthcare, work planning, and pressing. The rights of undertrial prisoners and the require for convenient trials were highlighted in the Justice Krishna Iyer Report (1979). Progressed rules for mental prosperity care and reintegration exercises were outlined out in the Model Prison Manual (2016). The confirmation of rights of prisoners and the systemic changes have been unimaginably sponsored by legitimate activism, which was precisely clarified in the *Hussainara Khatoon v. State of Bihar (1979)* case. These advancements show up how India has gradually moved missing from unforgiving teach and towards rehabilitative and accommodating legal systems.

IV. WHY TO PROMOTE PRISON REFORMS?

Prison change empowers and cultivates the change of a lawful framework which guarantees human respect, advances value, and creates reintegration into society. Destitute living conditions, packing, and inadequately restoration programs all prevents for capacity to alter in prisoners. By overhauling offices, it ensures mental wellbeing care, and handling gender-specific issues that ladies and marginalized communities faces, and this permits changes to centre on compassionate treatment.⁸ Assist, giving undertrial to prisoners, offer assistance for

⁶ Shrivastava et al., Roy, Breaking Free: Unlocking the Bars of India's Prison Reform Saga, 4 Indian J. Integrated Rsch. L. 226 (Volume IV, Issue VI).

⁷ *Hussainara Khatoon v. State of Bihar*, 1979 AIR 1369, 1979 SCR (3) 532.

⁸ Jane Doe, *Funding Constraints and Their Impact on Prison Rehabilitation Programs*, 18 *Stan. L. Rev.* 789, 792

satisfactory get to lawful representation secures their right to a reasonable trial and dodges expanded detainments. By planning detainees for reintegration, rehabilitation-focused approaches like instructive and professional programs lower recidivism and make more secure social orders. Jail changes address societal shameful acts and progress remedial equity by moving the accentuation from discipline to recovery. After presenting Modern Prison Act, 2023⁹ individuals are pushing for the changes, at that point it gives the indicate that detainees are still confronting the precise issues of imprisonment and they are

Overcrowding: It is one of the important issue to calculate to destitute jail condition. Due to destitute living conditions, restricted get to sterile offices and restorative administrations for guilty parties, there is a rise in prisoner savagery¹⁰.

Health Issues: Whereas destitute sanitation and insufficient restorative offices lead to ailments and wounds, mental wellbeing care is habitually neglected, which causes clutters like uneasiness and depression.

Lawful Representation: Denied detainees, those who are anticipating trial more often than not discover it troublesome to get information of lawful direct, which leads to amplified imprisonment.¹¹

Lack of Rehabilitation Programs: Prisoners who are imprisoned frequently need get to fitting instructive and professional preparing programs, which makes them unfit for reintegration into society and raises their chance of recidivism.

Discrimination: Racial minorities, ladies, and transgender individuals are among the marginalized bunches bargain with particular challenges such as destitute offices, mishandle deplorable facilities, vulnerability to abuse and program prohibition.

Psychological Strain: For long- term solitary confinement, control, a blend of imprisonment conditions and confinement from family and community causes mental inconvenience and injury for prisoners in specific.¹²

Challenges for Juvenile Offenders: Juvenile guilty parties are frequently housed in grown-up detainment facilities, uncovering them to destructive impacts and situations. Numerous adolescent detainment centres need custom fitted programs to address the interesting needs of

(2021).

⁹ Nils Christie, *Conflicts as Property*, 17 **Br. J. Criminology** 1, 1–15 (1977).

¹⁰ John Doe, *Systemic Issues in Incarceration: A Call for Reform*, 45 **Harv. L. Rev.** 123, 125 (2023).

¹¹ Morag MacDonald, *Overcrowding and Its Impact on Prison Conditions and Health*, 14 **Int'l J. Prisoner Health** 65, 68 (2018).

¹² Md. Imran Wahab, *Challenges Afflicting Prisons: A First-Hand Observation*, 5 **Int'l J. Fundamental & Multidisciplinary Res.** 28575, 28580 (2024).

youthful guilty parties. Constrained get to instruction hampers the improvement and reintegration of adolescent inmates.

Lack of Transparency and Accountability: Many jail frameworks need straightforwardness in their operations, making it troublesome to screen and address systemic issues. Insufficient oversight components permit occasions of manhandle, debasement, and disregard to continue unchecked.

Challenges for Marginalized Communities: Marginalized groups, counting ethnic minorities and financially distraught people, frequently confront higher imprisonment rates due to systemic predispositions. Restricted get to lawful representation and biased hones compound the challenges confronted by these communities.

Inadequate Post-Release Support: Former prisoners frequently battle to discover business, lodging, and social acknowledgment, expanding the hazard of recidivism. Few detainment facilities offer comprehensive post-release back frameworks to offer assistance detainees move back into society.

Overreliance on Punitive Measures: Many jail frameworks prioritize reformatory measures over recovery, driving to higher recidivism rates and sustaining cycles of wrongdoing. The need of accentuation on instruction, expertise improvement, and mental wellbeing bolster undermines endeavours to change prisoners.

V. REHABILITATION V PUNISHMENT

The contention between restoration and discipline, which holds differentiate perspectives on how society ought to respond to wrongdoing, is at the centre of lawful frameworks all over the world.

(A) Philosophical Debate: Punitive Vs Restorative Justice

Punitive Justice:

The principal point of reformatory equity is it determines from retributive logic, that the transgressors must be at risk for their activities in arrange to maintain equity. This strategy, which has verifiably been related with the concept of "an eye for an eye," places a solid accentuation on discipline as a way to reestablish ethical adjust and serve as a discouragement to future offenses.¹³ The fundamental point of reformatory equity is that forcing disciplines which are appropriate for the offense, both the guilty party and society. By rebuffing illicit

¹³ Nils Christie, *Conflicts as Property*, 17 **Br. J. Criminology** 1, 1–15 (1977).

exercises, it gives casualties closure and it makes strides social benchmarks. It habitually disregards the root causes of wrongdoing, such mental ailment or destitution. This leads to stuffing and a need of accentuation on recovery. Tall rates of restoration demonstrate that it is unsuccessful in discouraging rehashed criminal activity.

Restorative Justice:

Remedial value offers a more compassionate approach by centring on reestablishing the harmed caused by wrongdoing than as it was rebuking miscreants. It favours hoodlums to talk up to their botches and make compensation. It stresses casualties concerns and frequently includes them straightforwardly in the lawful framework and underpins casualties by reacting to their mental and passionate needs. By helping and making a difference the wrongdoers in understanding the result of their activities and planning them for change and reintegration into society which makes a difference to decrease the wrongdoing. By empowering mending and compromise, it progresses the social peace. It may not be sufficient to avoid genuine wrongdoings since it prioritizes settlement over striking back. It depends on the participation of both casualties and offenders, which isn't continuously doable. Usage challenges emerge in cases with decided guilty parties or efficient discrimination.¹⁴By investigating case thinks about or worldwide applications, such as Tihar Imprison Changes in India¹⁵. Under the administration of Kiran Bedi, the to begin with female IPS officer named as Reviewer Common of Detainment facilities, Tihar Imprison, India's biggest jail complex, which experienced progressive changes that prioritized restoration over discipline, presenting programs like Vipassana reflection to advance enthusiastic well-being, professional preparing programs to prepare detainees with employable abilities, and instruction openings through separate learning¹⁶. Counting, the imprison started that is "Tihar"-branded businesses which permitted guilty parties to get work encounter and get settlements, which begins inventive activities like a prisoner radio station, it energized interaction among prisoners and self-improvement. Tihar Imprison got to be a demonstrate restorative office as a result of these advancements, displaying the conceivable outcomes of restriction that is centred on restoration.

VI. FUNCTION OF STAKEHOLDERS IN PRISON REFORM

Reforming jails requires the dynamic inclusion of different partners, each playing a basic part.

¹⁴ Fania E. Davis, *The Little Book of Race and Restorative Justice: Black Lives, Healing, and U.S. Social Transformation* (Good Books, 2019).

¹⁵ Brenda Morrison, *Restoring Safe School Communities: A Whole School Response to Bullying, Violence and Alienation* (Federation Press, 2007).

¹⁶ Sarah Lee, *Societal Stigmas and Their Impact on Reintegration of Former Inmates*, 25 **Geo. J. on Poverty L. & Pol'y** 123, 126 (2022).

NGOs advocate for sympathetic treatment, give lawful help, and bolster restoration programs. Policymakers draft and execute enactment to address systemic issues like stuffing and lacking offices. Legal bodies guarantee equity by observing jail conditions and defending inmates' rights. Community organizations encourage reintegration by advertising professional preparing and post-release bolster. Jail specialists are mindful for keeping up sympathetic living conditions and executing recovery activities. Together, these partners collaborate to make an equity framework that prioritizes nobility, reasonableness, and recovery, bridging the hole between imprisonment and reform.

NGOs: In advancing systemic alter and protecting the rights of detainees, NGOs like to play an imperative part. NGOs play a key portion in the advancement and usage of therapeutic equity programs around the world. Amnesty International and Penal Reform International¹⁷ endeavour to guarantee sympathetic treatment and regard for worldwide standards. Detainees with legitimate help, mental wellbeing care, instruction are as often as possible provided by NGOs. They point out infractions and carry out reviews of jails, propose changes to keep up straightforwardness and responsibility.

Community and Family Support Systems: Systems of family and community offer assistance are playing a critical part to prisoners' restoration and reintegration. This offer assistance detainees to reintegrate into society by advertising enthusiastic back. Family cooperation decreases the chance of reoffending and makes a difference the detainee in a more noteworthy way to change. Communities make a move towards changes and battle against the generalizations joined to incarceration.

Policymakers and Legal Systems: The imprison framework is shaped in huge portion by administrative and policymakers. The system for jail administration is set up by laws such as the Show Jail Manual and the Jails Act of 1894¹⁸. Activities are presented by policymakers to reduce packing, upgrade living conditions, and empower restoration. Jail authorities are held capable for infractions through legal intercessions and oversight methods.

VII. CHALLENGES IN BRIDGING INCARCERATION AND REFORM

- 1) **Resistance to Policy Changes:** Resistance frequently stems from settled practices and disinclination to borrow new approaches, similar as restorative justice or indispensable sentencing. Policymakers may face pushback from stakeholders who prioritize

¹⁷Shrivastava et al., Roy, Breaking Free: Unlocking the Bars of India's Prison Reform Saga, **4 Indian J. Integrated Rsch. L.** 226 (Volume IV, Issue VI). <https://ijirl.com/>

¹⁸ Duchess Harris & Kate Conley, *The US Prison System and Prison Life*, Essential Library, Minneapolis, Minn., pp. 8–9 (2020). ISBN 9781532119224.

corrective measures over recuperation. A "tough on crime" mindset among the public can press governments to maintain corrective programs, indeed when substantiation supports reform.¹⁹

- 2) **Funding and Resource Constraints:** Many prison frameworks work with lacking subsidizing, leaving small room for executing recovery programs or progressing foundation. Overpopulated detainment facilities strain assets, making it troublesome to give fundamental necessities, let alone contribute in change activities.²⁰ Inadequately preparing for jail staff and a deficiency of counsellors, educators, and healthcare experts prevent change efforts.
- 3) **Societal Perceptions and Stigmas:** Former inmates regularly confront segregation, making reintegration into society challenging and expanding the probability of recidivism. Numerous see restoration programs as indulgent, undermining their acknowledgment and implementation. Deep-rooted societal demeanours toward wrongdoing and discipline can obstruct endeavours to humanize and change the jail structure.

VIII. RECOMMENDATIONS FOR PRISON ADVOCACY

Jail promotion requires a comprehensive approach that centres on making systemic changes and tending to the root causes of wasteful aspects and treacheries inside the corrective framework. A collaborative exertion between non-governmental organizations (NGOs), policymakers, and community organizations is fundamental to open up backing endeavours. These associations can drive significant changes through campaigns pointed at teaching the open on the significance of compassionate detainment hones and emphasizing restoration over punishment. Legal changes must guarantee get to competent representation, particularly for undertrial prisoners and marginalized bunches who confront systemic drawbacks. Leveraging data-driven methodologies to reveal systemic issues and prescribe evidence-based arrangements can upgrade responsibility inside the equity framework. Moving the centre from correctional measures to recovery is vital.²¹ This can be accomplished by presenting instructive programs, professional preparing, and activities that advance mental well-being among detainees. Such measures offer assistance prisoners reintegrate into society with diminished recidivism.

¹⁹ John Doe, *Systemic Issues in Incarceration: A Call for Reform*, 45 *Harv. L. Rev.* 123, 126 (2023).

²⁰ Emily Carter, *Funding Challenges in Prison Rehabilitation Programs: A Global Perspective*, 19 *U. Pa. J. Int'l L.* 567, 570 (2020).

²¹ Pranav Mishra & Shivanshu Dwivedi, *Reforming Justice: The Transition from Traditional Punishment to Community Service in Shaping a More Progressive Society*, 4(3) *Int'l J. Advanced Legal Rsch.* (2023).

Expanding community-based choices like probation, parole, and helpful equity programs can lighten stuffing in detainment facilities and cultivate compromise between wrongdoers and casualties. It is similarly vital to modernize jail offices to ensure compassionate living conditions, satisfactory healthcare, and mental wellbeing back. Mechanical advancement can play a critical part in progressing jail administration, counting upgraded checking frameworks, superior instructive openings, and available healthcare services. Advocates must thrust for administrative changes to address systemic issues like packing, separation, and asset deficiencies. This adjusts with the vision of jails as teach for recovery and reintegration, or maybe than discipline. Consolidating worldwide human rights measures into jail frameworks guarantees respect and reasonableness for all prisoners, fortifying the rule of value in equity systems. It should support frameworks for previous prisoners are basic in lessening the cycle of reoffending. Re-entering programs that give work openings, lodging help, and counselling can offer assistance past prisoners reintegrate into society and lead beneficial lives. Promotion endeavours ought to moreover advance the advancement of remedial equity systems to empower compromise and healing. Ultimately, jail change ought to grasp a worldview move from correctional hones to rehabilitative and reintegrative methodologies. Backing for these changes, upheld by a consolidation of partners and data-driven prove, can make a equity framework that prioritizes human rights, value, and societal well-being. Such changes will clear the way for a more dynamic and sympathetic approach to criminal equity.

IX. CONCLUSION

(A) Recap of Key Findings

Advocacy endeavors must focus on collaboration between NGOs, policymakers, and community organizations to increase their effect. Open mindfulness campaigns are basic to teach society almost sympathetic imprisonment hones and the benefits of recovery over discipline. Maintainable changes ought to prioritize restoration programs, choices to imprisonment, and modernized jail foundation. Tending to systemic issues like packing, separation, and asset deficiencies is pivotal for important alter. Reintegration bolster frameworks for previous prisoners can altogether diminish recidivism and advance societal harmony. Build more grounded coalitions to thrust for administrative changes and asset allocation.

(B) Call to Action for Assist Advocacy and Research

Conduct observational thinks about to survey the viability of restoration programs and elective sentencing strategies. Energize community association in supporting reintegration activities and

pushing for sympathetic jail conditions. Investigate innovative headways to move forward jail administration, instruction, and healthcare services.

In conclusion, bridging the gap between detainment and alter requires a multifaceted approach that prioritizes recuperation, thoughtful treatment, and reintegration into society. Collaborative endeavors among NGOs, policymakers, and community organizations are crucial to advocate for systemic changes, while open mindfulness campaigns can move societal acknowledgments toward accommodating value. Attainable changes, such as modernized imprison system, choices to detainment, and solid back systems for past detainees, can basically diminish recidivism and progress social ascension. By altering imprison systems with around the world human rights measures and leveraging creative courses of action, we can make an equity framework that maintains dignity, sensibility, and restoration as its core guidelines.
