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REHABILITATION OF PRISONERS: A FORGOTTEN OBJECTIVE OF CRIMINAL LAW

- *Gauri Dangi*

Introduction

The majority of public conversations about crime and punishment tend to revolve around severe punishment and harsh sentence. We think that society feels safer when the punishment is harsher. However, a significant truth is often forgotten - criminal law is not only about punishing offenders, it is equally about reforming them. Rehabilitation of prisoners is one of the core pillars of criminal jurisprudence. It is the method to re-educate those who have committed an offense and preparing them to reintegrate into society. The motive is to reduce recidivism. Rehabilitation is a precaution against repeating offenders. It is aimed towards reforming the criminals and helping them understand their wrongs and preventing repetition.¹

Understanding Rehabilitation in Criminal Law

Rehabilitation is to break the cycle and give chance to offenders to improve their life and re-enter society. It focusses on addressing the root cause of crime and change the mindset of offenders, to make them see the nature, effects and consequences of their crimes. It is a measure to help them transform and reintegrate into the society.²

Rehabilitation programs include educational programs, vocational and skill training, counselling and legal aid etc. These initiatives focus on improving literacy, developing skills,

¹ 'Breaking the Cycle: Correction and Rehabilitation in the Fight Against Recidivism', Chanakya Law Review, By- Sourabh Jha & Shivani Kataria, July-Dec 2023, Volume IV Issue II, <https://cnlu.ac.in/wp-content/uploads/2025/04/Breaking-The-Cycle-Correction-And-Rehabilitation-In-The-Fight-Against-Recidivism-by-Sourabh-Jha-Shivani-Kataria.pdf>.

² Supra Note - 1.

addressing mental health and providing legal assistance to reduce recidivism and encouraging return to community life.

Legal and Constitutional Foundation in India

The Indian criminal law recognizes a reformatory approach towards criminals. Key provisions supporting the idea include:

- 1. Article 21 of the Constitution**

It guarantees the fundamental right to life and dignity – a protection that continues even inside prison walls.³

- 2. Probation of Offenders Act, 1958**

Allows minors and first-time offenders to avoid imprisonment and enable reform-based supervision.

- 3. Supreme Court Judgments**

In *Sunil Batra vs. Delhi Administration*, it was observed that prison tortures violate Article 21 of the Constitution.⁴ Whereas, in *Rama Murthy vs. State of Karnataka*, the need for prison reforms and rehabilitation were highlighted.⁵

These judgments and provisions reinforce that prisons are space for transformation, not places for revenge.

Why Rehabilitation Matters

- 1. Reduces Recidivism (Repeat crimes)**

Prisoners who receive education, counselling, and skill training are for less likely to reoffend.

- 2. Protects Society**

It turns offenders into contributors, not threat.

- 3. Restores Dignity and Humanity**

Even commits has human rights and deserve a chance to change themselves.

- 4. Supports Restorative Justice**

Crimes are destructive towards society rehabilitation is a way to restore the damage and reform.

³ Article 21, The Constitution of India.

⁴ 1978 AIR 1675.

⁵ AIR 1997 SC 1739.

5. Saves Public Money

Rehabilitation helps turning the offenders to tax payers rather than being prisoned and burden the system.

Current Challenges

India struggles with effective rehabilitation measures due to:

1. Severe crowding in prisons.
2. Lack of adequate infrastructure for skill development.
3. Limited focus on mental health.
4. Lack of psychological support.
5. Stigma faced by prisoners after release.
6. Lack of employment support post release.
7. Limited vocational and educational programs in prisons.

Prisons works more as cages than being reformative.

Successful Models and Best Practices

1. Tihar Jail Model⁶

Tihar Jail organizes several programs including-

- Skill development workshops
- Art and meditation programs
- Education and vocational training
- Prison-made brand TJ's employment support initiative.

2. Some of Indian states including Uttar Pradesh and Haryana runs literacy, yoga, skill and vocational development programs.

3. Norway's Model⁷

Norway emphasizes human dignity, work training, therapy, and open prisons, resulting in one of the world's lowest re-offending rates.

The Way Forward

For effective rehabilitation, India needs to focus on:

⁶ www.tiharprisons.delhi.gov.in.

⁷ 'Norway's Prison System: Investigating Recidivism and Reintegration', Bridges: A Journal of Student Research, By- Denny Meagan, 2016, Volume 10 Issue 10, <https://digitalcommons.coastal.edu/bridges/vol10/iss10/2>.

1. Mandating skill training, education and counselling for prisoners.
2. Providing employment support after release.
3. Raise public awareness to avoid stigma faced by prisoners and help them re-integrate into society.

Conclusion

Punishment alone cannot curb crimes. A justice system that imprisons offenders without reforming them invites more crime, more threat to society. Rehabilitation does not excuse crimes – it gives chance to criminals to transform themselves and contribute to society.

A prisoner who transforms and reintegrates into society is no longer a burden on system, but could be an asset to the society. To truly achieve justice, India needs to realize that the actual goal of criminal law is not only punishing but reforming offenders and rebuild society.