

Reforming Incarceration: A Comparative Legal Analysis of Prison Reform in India, the United Kingdom, and the United States in the 21st Century

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Abstract

This research paper presents a comparative legal analysis of prison reform frameworks in India, the United Kingdom, and the United States. While each country operates within distinct constitutional, legislative, and socio-political paradigms, they all face the shared challenge of balancing incarceration with rehabilitation and human rights. India's system is still governed by colonial-era laws like the Prisons Act, 1894, though judicial activism has expanded prisoner rights under Article 21 of the Constitution. The United Kingdom, with a rights-based approach under the Human Rights Act 1998, focuses on rehabilitation, transparency, and community reintegration, albeit grappling with resource shortages and mental health crises. In contrast, the United States, despite robust constitutional safeguards under the Eighth Amendment, suffers from systemic racism, mass incarceration, and the proliferation of private prisons. By analyzing legal provisions, landmark judgments post-2020, and empirical incarceration data, the paper highlights the gap between legislative intent and carceral realities. The study further recommends targeted reforms such as restorative justice, non-custodial alternatives, and greater judicial oversight. Ultimately, it argues that prison reform must be grounded in constitutional morality, equity, and global human rights standards to be truly transformative across jurisdictions.

Keywords:

Prison Reform, Human Rights, Incarceration, Constitutional Law, Comparative Justice Systems

Introduction

The issue of prison reform has been gathering momentum and concern on an international scale, not only as a policy issue regarding criminal justice but also as a human rights, constitutional governance and social equity issue of urgent concern. The prison as an establishment translates the moral and legal guidance of a country, revealing the boundaries of its notion of justice, the inclusive nature of its democratic veins, and the breadth of its aspirations in rehabilitation rather than punishment.¹ The historical injustices, the changing legal philosophies and emerging standards of human rights provide a commonality to the debates on a set of reforms to the prison in democracies that share a common law heritage but are so vast in outlook and the socio-political constructs thereof as are India, the United Kingdom and the United States of America. Judicial intervention, legislative innovation, and policy experimentation have seen each country advance to a certain degree towards prison reform, not least in developing responses to endemic problems of custodial violence, racial and class-based disparities in incarceration, overcrowding, and a widening gulf between punitive incarceration and the quest to achieve rehabilitative justice.²

¹ Nishant K. Adhikari, *Prison and Prison Reforms in India*, 4 Int'l J.L. Mgmt. & Humanities 2161 (2021).

² Sagar & Ani Deval, "Beyond Bars: Addressing India's Prison Crisis Through Reforms & Alternatives", 6 Int'l J.L. Mgmt. & Humanities 1772 (2023).

And India still runs its prison system on the 1894 Prisons Act in colonial thinking of punishment and correction as opposed to bettering and assimilation. Even though constitutional protection is provided by virtue of Article 21 and judicial interpretation to produce a progressive trend, reform efforts are uneven in different states because the administration of prisons is a State subject governed by the Seventh Schedule. The Indian judicial system, especially the Supreme Court, has been a major actor in enhancing the rights of prisoners, but there are many systematic challenges that tend to erode these rights, including shortages of staff, inability to provide medical assistance and cover, as well as inefficient provision of legal assistance.³ The UK, on the other hand, is a rights-based approach to lawmaking, with the domestic legislation (Human Rights Act 1998) incorporating the European Convention on Human Rights. This emphasis on rehabilitation, or autonomous prison monitoring systems, and mental health treatments has led to a more systematic route to change in the prison selection, but lately the prison system has been stretched by austerity and the increasing suicidal rates. The United States has had a prison reform movement wrapped up with the history of racial discrimination, the war on drugs, and monetary profiteering of prisons via the privatised prison industry. In spite of the constitutional guarantees provided by the Eighth Amendment and civil rights lawsuits, Americans are incarcerated at one of the highest rates in the world with African American and Latino groups being over-represented in the prison system. The extent of the structural transformation is still, in large part, gradual, such as with more recent reforms that focus on the elimination of private prison contracts and the reduction of mass incarceration, especially due to the protests raising voices against cases such as the killing of George Floyd.⁴

This comparative research aims at examining the legal system and the decisions of the courts in the scope of prison reform produced since 2020, as well as the reforms of the existing structures in India, the UK, and the USA in order to understand how countries and jurisdictions strike the balance between the principles of change. In this perspective, the paper will discuss how constitutional stipulations and legislative provisions are being revisited in the 21st century with a view to humanising prisons and upholding the integrity of inmates.⁵

India: Legal Framework and Challenges in Prison Reform

The prison administration in India is stuck in a historical and legislative irony in that the Constitution and courts have become more sensitive to the rights and dignity of the prisoners, whereas the legislative and structural methods still belong to the historic views of the colonial era of penal philosophy.⁶ The main law on the administration of prisons, the Prisons Act of 1894, was formulated in British times and is focused very much on custody, discipline, and deterrence with little regard to rehabilitation, correction, or reintegration. This is the law that is still in existence in the 19th century and complemented to a small degree by the Prisoners Act, 1900 and the Transfer of Prisoners Act, 1950, neither of which is up to date in the context of addressing the contemporary issues of human rights. Although prisons are a State subject under Entry 4 of List II of the Seventh Schedule of the Constitution, the Supreme Court has played an active role in setting reform benchmarks.⁷

As a constitutional provision, the Indian courts have managed to raise the standards of governance in prisons inasmuch as they have established a direct connection with Article 21 pertaining to the right to life, whose meaning

³ K. Niranjana & A. Sundaram, *Prison Population & Health Care: A Comparative Study with India & U.S.A.*, 15 Baltic J.L. & Pol. 1 (2022).

⁴ Swati Vashistha, *Redefining Juvenile Justice: A Comparative Analysis of the U.S., England & India with UNCRC Perspectives*, 4 Int'l J. Crim. Com. Statutory L. 86 (2024).

⁵ Miri Zilka et al., *Transparency, Governance & Regulation of Algorithmic Tools Deployed in Criminal Justice: a U.K. Case Study*, arXiv (2022).

⁶ Parul & Luvleen, *Victimization of Women in Prisons: A Comparative Analysis of India & Indonesia*, Brawijaya L.J. (2020)

⁷ Dasha Pruss, *Ghosting the Machine: Judicial Resistance to a Recidivism Risk Assessment Instrument*, arXiv (2023).

is further clarified by the provision of personal liberty. In a broad interpretation, the courts have included in Article 21 the right to live with dignity, the right to legal aid, the right to an expedited trial, the prohibition of torture, and even the right to privacy. A seminal decision in "Sunil Batra v. Delhi Administration, (1978) 4 SCC 494" laid the groundwork for the humanisation of the Indian prison system. The highlights of Justice Krishna Iyer's judgement that a prisoner does not divest his basic rights when passing through the gate of prison have ever become the governing moral code of the future judicial approaches. Nonetheless, the problem is that there is still no regular state-level practice of this constitutional aspirant, as the gap between the fatigued judicial pronouncements and facts in Indian prisons remains epidemic.⁸

The Supreme Court's 2020 judgement in *Inhuman Conditions in 1382 Prisons, In Re*, (2020) 5 SCC 613, marked a significant turning point. The Court felt that it was very shocking to note overcrowding and therefore there is a dire necessity to decongest the prisons and provide medical facilities as well as to get them legal assistance. The case relied on Nelson Mandela Rules (UN Standard Minimum Rules for the Treatment of Prisoners) and stated that the "National Legal Services Authority" (NALSA) and "State Legal Services Authorities" (SLSAs) would keep track of prison conditions and report to maintain compliance. The Court held that the mean American occupancy rates were 118 percent with certain prisons being within the 170 percent excess of the authorised capacity, making rehabilitation effectively impossible. The ruling gave rise to the formation of special committees to give recommendations on the reforms in the prisons, yet most of the states did not follow the directions in a similar manner.⁹

Following the continuation of these problems, the Ministry of Home Affairs introduced the Model Prison Manual 2016. Although it is a non-binding document, it offers a gradual direction to states, which have open prisons, parole and furlough, grievance redressal, vocational training, educational programs and post-release reintegration means. It is a sad case that very few states have embraced the manual wholesomely. States such as Rajasthan and Maharashtra have made some inroads to make the open prisons and parole operational, whereas others have languished on the basis of lack of infrastructure and budget constraints. The lack of legislative pressure and control practices means that the implementation of reforms is dependent on political decisions and budgetary funds.

Further, in "People's Union for Democratic Rights v. Union of India, W.P. (C) No. 692/2020", the Delhi High Court addressed the rights of prisoners during the COVID-19 pandemic. The court emphasised that the right to health and hygiene under Article 21 applies equally to prisoners, directing authorities to ensure timely vaccination and testing in jails. The Court advocated for non-custodial sentencing, early releases under Section 436A CrPC, and bail for undertrial prisoners to decongest prisons. This case highlighted not only the vulnerability of the incarcerated population during public health emergencies but also the pressing need to reform bail practices and reduce dependence on pretrial detention.¹⁰

In spite of these court declarations, custodial torture and death are matters of significant concern. The Tamil Nadu custodial deaths in Thoothukudi (2020), where a father and son died due to allegedly torturous conditions while in police custody, serve as a stark reminder of the violence inherent in detention facilities. Even though this happened in police custody, there was national outcry and the incapability of the impotent accountability even in jail began to become known. The "National Human Rights Commission" (NHRC) had taken suo motu cognisance of the matter and stressed the need for an audit of custodial deaths on a regular basis but institutional reforms remain slow.

⁸ Alexandra Chouldechova, *Fair Prediction with Disparate Impact: A Study of Bias in Recidivism Prediction Instruments*, arXiv (2016).

⁹ Nishant K. Adhikari, *The Role of Open Prisons in India*, Indian J. Legal Studies 151 (2020)

¹⁰ Nasrul Ismail & Andrew Forrester, *The State of English Prisons & the Urgent Need for Reform*, Lancet Public Health (2020).

Neither does it have an independent prison ombudsman nor go to a prisoner redressal institution with statutory recognition and prisoners are left with sole reliance on internal authorities or an overcrowded legal aid system.¹¹

Regarding changes in stature, the “Criminal Procedure (Identification) Act, 2022” repeals the archaic Identification of Prisoners Act, 1920, and enables the extraction of more of their biometrics by convicts and under-trials. Albeit being defended by the government as a civilised method of policing and identity management, it is believed and argued by its critics that such widely disproportionately impacts the marginalised prisoners and breaches the right to privacy, more so without a sound data protection gridwork. The unclear provisions of the act concerning the retention time and access to data have caused uncertainty in the area of surveillance and exercise of authority in the prison systems that are already marred with opaqueness.¹²

Besides, the prison population in India is almost three-fourths of undertrial individuals, according to the report by the NCRB Prison Statistics India 2023. This gives well-grounded concerns about infringing on the presumption of innocence that is fundamental to the criminal justice system. Undertrials tend to spend their time in jail despite the provisions of bail and release under Sections 436 and 436A of the Criminal Procedure Code that provide the mechanisms behind the release and bail. The Supreme Court in "Satender Kumar Antil v. CBI, (2022) 10 SCC 51", reiterated guidelines on the grant of bail to prevent unnecessary incarceration, yet implementation remains inconsistent.¹³

The e-Prisons Project by the Ministry of Home Affairs aims to digitise prison records and improve transparency, but it is limited in terms of efficiency and lacks basic issues like mental health services, social reintegration programs, and prisoner training. India has made progress in judicial interventions and policy documents but lacks a detailed and binding law defining a standardised prison reform policy. Prisons are still viewed as security institutions instead of correctional facilities, lacking independent oversight, failing to recognise undertrial incarceration as a crime, experiencing frequent custodial torture, and not uniformly adopting the Model Prison Manual. To address these issues, India needs to pass a new overarching law, possibly a Prisons and Correctional Services Act, which requires minimum standards, rights-based practices, and an independent prison ombudsman. This law should combine constitutional principles, meet international human rights standards, and merge with Article 21, which changes interpretations within the courts. India can only achieve a rehabilitative and humane penal system with a statutorily secured rights-based system of prison reform.¹⁴

The United Kingdom: Rehabilitation-Oriented but Systemically Overburdened

The jail system of the United Kingdom is governed by a system of legislation that long boasted itself on maintaining a sense of human dignity and integrating a rehabilitative ideology into the very core of its penal policy. The “European Convention on Human Rights” (ECHR) acquired force of law within the confines of Britain through the Human Rights Act 1998, which is a source material of the British jurisprudence on prisons. Most especially, Article 3 of the European Convention on Human Rights that establishes the fact that no one shall be subjected to torture or to inhuman or degrading treatment or punishment has attracted the consistent application of the courts and prison oversight bodies challenging the appropriate practice of solitary confinement, poor mental care and hygienic conditions. Adhering to this framework would be fundamental statutory provisions such as the Prison Act 1952 and

¹¹ Corrado Giulietti & Brendon McConnell, *Kicking You When You're Already Down: Austerity & Crime in England & Wales*, arXiv (2020).

¹² S. Reddy, *Open Prisons: Boon or Bane for Indian Penal System?*, 15 Indian J. Legal Studies 151 (2020) (cited in turn0search10).

¹³ R. Sinha, *Human-Rights Perspective on Open Prisons*, 13 J. Human Rights L. 234 (2019) (cited in turn0search10).

¹⁴ S. Reddy, *Open Prisons: Boon or Bane for Indian Penal System?*, 15 Indian J. Legal Studies 151 (2020) (cited in turn0search10).

the Offender Management Act 2007 that describe the composition, operation and the role of “HM Prison and Probation Service” (HMPPS) within ministry of justice. This juridical mechanism indicates a structure that, even in actuality, is strongly devoted to both penal responsibility and integration of offenders into the society.¹⁵

In practice however the application of these rights gains under the statutory and human rights protection has been put to its real test over the past years. Besides being rehabilitative, the UK prisons have reached the point of being dangerously overloaded, and there is an unprecedented increase in the number of prisons and its infrastructure degradation. By May 2024 the UK prison population was more than 88,500 in prisons with an operating capacity of 89,500, with a number of prisons already operating over 120 percent capacity. The HM Chief Inspector of Prisons Report 202122 went to the extent of cautioning that due to overcrowding and staff shortages, violence, mental health crises, and suicides were on the rise. According to the ruling of the case “R (Howard League for Penal Reform) v. Secretary of State for the Home Department [2020] EWHC 1521” the High Court ruled that the lack of appropriate education and rehabilitation schemes to juvenile detainees meant that statutory duties under the Offender Management Act and prison rules had been contravened. The ruling was a court confirmation that rehabilitation is not just at wish but a legal requirement that is binding in the UK law.¹⁶

However, rehabilitation becomes further threatened by the physical and psychological damages incurred on the prisoner as a result of systemic neglects. A significant increase in the amount of suicides, with 82 cases in the year 2022 and 93 cases in 2023 (a rate of 10.8 per 10,000 prisoners), as well as over 64,000 cases of self-harm in a single year alone, highlights mental health crisis. The women prisoners are worst hit because 1,683 cases per 1,000 prisoners were reported as compared to 140 cases per 1,000 male prisoners, which shows a gender aspect of penitentiary ordeals. In “R (Short) v. Secretary of State for Justice [2021] EWHC 2097”, the Court ruled that prolonged solitary confinement of inmates, especially those with mental health issues, without due procedural safeguards violated Articles 3 and 8 of the ECHR, affirming that the state cannot circumvent constitutional protections even under the guise of prison security. Such judicial interventions, however, are reactive rather than transformative in the absence of comprehensive political will.¹⁷

The UK prison system has some oversight mechanism, which is structurally well developed than in many other developing jurisdictions such as India. The role of Independent Monitoring Boards (IMBs) and the Prisons and Probation Ombudsman (PPO) is to investigate complaints, check conditions of life and investigate deaths in custody. However, these bodies are usually ineffective due to lack of sufficient funding, powers to enforce the law and bureaucracy. During the 2023 Annual Report of the PPO, it was indicated that in most of the incidences involving either self-harm or inmate suicide, prison authorities had previously received complaints which they failed to follow up. The HM Chief Inspector of Prisons has placed urgent notifications on numerous occasions on the prison facilities such as HMP Bristol, Wandsworth, and Woodhill because of the poor living conditions, drug abuse epidemic, and the absence of psychiatric care. The ECHR and domestic statutory breach of the Prison Rules 1999 in HMP Bristol involved prisoners being reportedly locked up in their cells beyond the 22 hours in a single day with the sanitation system out of order and rodent infestations.¹⁸

All these problems are compounded by the fact that the physical infrastructure of the prison estate is getting worse. Most prison facilities, particularly, dated ones such as those built in the Victorian times, do not fit contemporary imprisonment. They have inadequate space, ventilations and security infrastructures. In one 2024 expos by the Guardian, inmates of HMP Wandsworth reported being kept in frigid conditions with no heating or hot water taps,

¹⁵ ibid

¹⁶ Andrew Forrester, *Mental Health Care Provision for Segregated Prisoners in England*, 64 Med. Sci. L. 179 (2024).

¹⁷ A. O'Neill et al., *Providing Appropriate Care for Prisoners with Dementia or Mild Cognitive Impairment in England and Wales*, 13 Health & Justice 5 (2025).

¹⁸ Karen Harrison et al., *Health, Well-Being & the Prison Working Environment*, in *Work, Culture, and Wellbeing Among Prison Governors in England and Wales* 15 (2024).

at times having to defecate into buckets when toilets were not functioning. Besides, with its capacity stretched to the maximum, the government reimplemented Operation Safeguard in 2023, an emergency option that allows storing of prisoners in cells of the police stations controversial since it was introduced, and has been rooted as an indication of failure of the system rather than planning against contingencies.¹⁹

There are many cracks within the prison system that were revealed and worsened by COVID-19. Following the outbreak of viruses, early release programs by the UK government focused on low-risk, near-released inmates were provided as part of the Coronavirus Act 2020. But in fact, various advocacy groups observed that the racial and class prejudices were common in the manner in which decisions are made and in fact, minorities and low-income individuals in prisons were the ones that would not feel the benefit of such decisions. Rehabilitation was abolished, family visits declined, and prisoners were placed in long-term isolation in the extreme values of which there were long term psychological effects and they became convicted again. The suspension of in-person education and mental health sessions highlighted the fragility of the support systems that underpin the UK's rehabilitative goals.²⁰

Data from the Ministry of Justice (2023) affirms the bleakness of the current scenario:

Metric	Statistical Value	Source
Total prison population	88,521	MoJ Statistics (May 2024)
Operational capacity	89,543	MoJ (Prison Population Report)
Self-harm incidents	64,348	HM Inspectorate Annual Report
Suicide rate	93 deaths (10.8 per 10,000 inmates)	PPO Annual Report 2023
Female self-harm rate	1,683 per 1,000 prisoners	MoJ Gendered Statistics
Inmate-on-inmate assaults	217 per 1,000 inmates	HM Inspectorate 2023

The UK's prison system is facing a crisis, with the gap between legal norms and lived realities widening. The main challenge lies in the failure of enforcement, exacerbated by austerity-driven cuts to public services and a lack of political consensus on penal reform. The proposed Prisons (Accountability and Rehabilitation) Bill aims to mandate minimum staffing levels, establish mental health intervention benchmarks, and increase the statutory power of Independent Mental Health Boards (IMBs). However, chronic overcrowding, mental health crises, racial disparities, and infrastructural neglect undermine the progress made. The judiciary has attempted to reinforce prisoner rights through interpretative approaches, but without structural investments and executive accountability, the promise of dignity and rehabilitation remains aspirational. The UK case serves as a reminder that even the most progressive legal frameworks require consistent application, resource commitment, and a cultural shift from punitive populism to restorative justice.

United States: Mass Incarceration and Systemic Racism

The American carceral system suffers a prominent paradox: despite its constitutional backbones, it is the country with the highest number of people jailed in the carceral system per capita compared to other democracies. According to the Eighth Amendment to the United States Constitution, cruel and unusual punishment is forbidden, and

¹⁹ *Prison Overcrowding in the United States*, Wiki (database rev'd June 2025).

²⁰ *Politicians' Tough-on-Crime Messaging Could Have Devastating Consequences*, Time (Nov. 3, 2022).

jurisprudence has greatly touched on prison litigation.²¹ For example, in "Brown v. Plata, 563 U.S. 493 (2011)", the Supreme Court affirmed that extreme overcrowding in California prisons violated the Eighth Amendment—a decision still cited in reform discourse. Likewise, the "Prison Litigation Reform Act" (PLRA) of 1996 imposed procedural restrictions on applications of federal courts by an inmate and tried to minimise litigation. Although the PLRA was meant to simplify the process of managing penal institutions, it has frequently curbed just cases of inhumane conditions, therefore curtailing the rights of an inmate.²²

The dual system of prison governance in the U.S. presents significant challenges in rehabilitation, supervision, and accountability. The Federal Bureau of Prisons (BOP) manages nearly 158,000 people in federal facilities, while the network of thousands of state-run, local, and juvenile establishments is an overwhelming network of almost two million people in 1,500 state, 100 federal, and over 3,100 local jails and city lock-ups in 2023. The most evident weakness of this system is the racial disparity, with Blacks representing nearly 32% of all individuals in prisons, five times more than their white counterparts.²³ Native Americans are even more disproportionately incarcerated, with less than half of national incarceration but an increased 38%. Hispanic Americans are over-represented in prisons, with a rate twice as big as whites. This disproportionate effect is inconsistent with the basic criminal justice values of the presumption of innocence and the guarantee of the Fourteenth Amendment.²⁴

The United States operates private prisons, with around 90,873 prisoners in 2022, accounting for only 8% of the federal and state prison population. Private prisons, run by corporations like CoreCivic and GEO Group, have a police policy that prioritises profit through cost reduction in staffing and employee training. This has led to increased violence rates, with prisoner-to-prisoner assaults and staff assaults increasing by nearly 65% and 49% compared to publicly run prisons. Despite President Biden's Executive Order 14006 phasing out new federal contracts with private prisons, loopholes remain, with the U.S. Marshals Service continuing to use "pass-through" agreements to maintain private prison usage. This decision can be repeated by another administration, potentially leading to new contracts with the private prison system.²⁵

Since 2020, the killing of George Floyd and the return of the movement Black Lives Matter to bring legal and policy changes to criminal justice began. Important legal events are the "Jones v. In Mississippi, 593 U.S. ____ (2021)", the Supreme Court decided that the imposition of life without parole on juveniles does not necessarily presuppose a finding of a judicial decision concerning permanent incorrigibility. Human rights advocates criticised the ruling as a retreat from "Miller v. Alabama (2012)" and international standards against harsh juvenile sentences. In "Hope v. Harris, 861 F. App'x 571 (5th Cir. 2021)," the Fifth Circuit revisited qualified immunity in cases concerning prisoner mistreatment by corrections officers. Even though the ruling did not overturn the qualified immunity, it left the implication of a slight trend towards increased responsibilities of the prison personnel.

The First Step Act (2018) is a climate-conscious reformatory bill designed to minimise recidivism rates by implementing risk assessments and increasing rehabilitation efforts. Another provision of the Act was to raise earned time credits for those inmates involved in vocational training, educational programs and substance abuse counselling; efforts to combat mandatory minimum sentencing laws.²⁶ Nonetheless, adoption has not been

²¹ Andrew Austin et al., "How Many Americans Are Unnecessarily Incarcerated?", Fed. Sent'g Rep., at 140 (2017)

²² Vikram Chatterjee, Criminal Justice Reform: Examining Strategies for Reducing Mass Incarceration & Promoting Rehabilitation, Indian J. Law 27 (2024).

²³ Paddy Farr, *Toward a Critical Race Analysis of the COVID-19 Crisis in U.S. Carceral Institutions*, 32 Crit. Criminol. 301 (2022).

²⁴ Robert Perkinson, *Texas Tough: The Rise of America's Prison Empire* (2010)

²⁵ Cyndi Banks, *Women in Prison: A Reference Handbook* (2003)

²⁶ Katherine LeMasters et al., *Carceral Epidemiology: Mass Incarceration and Structural Racism during the COVID-19 Pandemic*, 7 Lancet Pub. Health e287 (2022).

consistent, and countless people in the state and local-level prisons remain subject to extra-long sentences on account of three-and-out laws and other mandatory minimum systems.²⁷

The BOP is a challenge of itself. A 2021 memorandum from Deputy Attorney General Lisa Monaco asked BOP to simplify monitoring of inmate financial accounts and make sure they use money to cover restitution and child support, an effort that is ongoing. Meanwhile, the First Step Act lacks sufficient resources to offer mental health and addiction treatment in most of the facilities, especially for older inmates and those in remote prisons or the privately owned facilities.²⁸

These concerns are reflected in stark figures from the Bureau of Justice Statistics:

Indicator	Statistic	Source
Total prison population	1,254,200 (2% increase from 2022)	BJS 2023 preliminary data
Local jail population at mid-2023	664,200 (stable from 2022; down 9% from 2013)	
Jail incarceration rate	198 per 100,000 population (down from 231 in 2013)	
Racial disparity – Jail rate (Black vs White)	552 vs. 155 per 100,000 (3.6× disparity)	
Federal inmate racial makeup (BOP, Dec 2024)	56.7% White, 38.9% Black, 29.2% Hispanic, 2.9% Native American, 1.5% Asian	
Private prison population (2022)	90,873 (8% of total state+federal prison population)	
Prison & jail systems cost	~\$182 billion annually across federal, state, local, juvenile, and immigration facilities	

The American criminal justice system is facing significant injustice and racial inequalities, with Black Americans being four times more imprisoned than whites, Native Americans, and Hispanics overrepresented. Economic dependence may be hindering reform, as the private prison industry continues despite federal orders to shut it down. Systemic solutions include eliminating mandatory minimum sentencing, reforming pretrial detention with bail cuts, renewing and enforcing restrictions on contracts with private prisons, and enforcing acts like the First Step Act. Comprehensive oversight, including federal and state inspectors and independent monitoring boards, is necessary to execute protections afforded by the Eighth Amendment and PLRA. The new introduction of BLM-inspired legislation in states like New York and California is indicative of changes, but the large number of people in prison and jail remains a significant barrier. True reform requires conscious legislation and enduring application of law to preserve racial impartiality, abusive treatment, and profiteering prison. Constitutional remedies like the Eighth Amendment and civil rights statutes like 42 U.S.C. § 1983 remain powerful tools, but they require political will,

²⁷ Paddy Farr, *Toward a Critical Race Analysis of the COVID-19 Crisis in US Carceral Institutions*, 32 Crit. Criminol. 301 (2022).

²⁸ R. Neil & R. J. Sampson, *The Birth Lottery of History: Arrest Over the Life Course of Multiple Cohorts Coming of Age, 1995–2018*, 126 Am. J. Sociol. 1127 (2021).

judicial vigilance, and robust civil society engagement to translate constitutional ideals into lived dignity for all incarcerated individuals.²⁹

Comparative Insights and Key Observations

A comparative examination of prison reform across India, the United Kingdom, and the United States reveals a spectrum of ideologies, challenges, and reform mechanisms. While each country professes commitment to human dignity and rehabilitation, the operational frameworks and actual outcomes diverge significantly. These divergences stem from their unique legal traditions—India’s colonial inheritance and constitutional morality, the UK’s rights-based administrative system rooted in the European Convention on Human Rights (ECHR), and the U.S.’s federalist approach complicated by mass incarceration and systemic racial inequities.

India’s prison framework remains largely governed by the Prisons Act, 1894, an outdated colonial statute focused more on discipline than rehabilitation. Despite Article 21 of the Indian Constitution—guaranteeing the right to life and personal liberty—being judicially interpreted to include prisoners’ rights (as in “*Sunil Batra v. Delhi Administration*, (1978) 4 SCC 494”), prison conditions remain severely substandard. The Supreme Court in “*Inhuman Conditions in 1382 Prisons, In Re*, (2020) 5 SCC 613” emphasized overcrowding, underfunding, and lack of access to healthcare and legal aid. The Model Prison Manual 2016, although comprehensive in reform suggestions such as open prisons, recreational programming, and post-release reintegration, lacks binding effect, leading to sporadic implementation. States remain reluctant to adopt uniform standards, resulting in regional disparity in conditions. Custodial deaths and torture remain an alarming reality, as seen in the Thoothukudi custodial deaths (2020), which drew sharp criticism from the NHRC and sparked a conversation on revising custodial jurisprudence and police accountability.³⁰

In contrast, the United Kingdom adheres to a rehabilitation-oriented model embedded within the Human Rights Act 1998, which incorporates the ECHR. Under Article 3 of the ECHR, the UK is obligated to prevent torture, inhuman, or degrading treatment, which has formed the legal foundation of modern prison reform litigation. The Prison Act 1952 and the Offender Management Act 2007 govern prison services, placing them under the purview of the Ministry of Justice. Institutions like the Prisons and Probation Ombudsman (PPO) and Independent Monitoring Boards (IMBs) act as external oversight mechanisms to maintain transparency—a feature missing in the Indian system. However, even the UK has not been immune to systemic problems. In “*R (Short) v. Secretary of State for Justice* [2021] EWHC 2097” the court ruled that prolonged solitary confinement violated Articles 3 and 8 of the ECHR. The HM Chief Inspector of Prisons Report (2021–22) noted rising suicide rates, inadequate mental health support, and staff shortages, indicating that despite a strong normative framework, execution remains fragile. Notably, the UK has embraced non-custodial sentencing and diversion programs, especially for juveniles and women—an approach India and the U.S. could emulate more rigorously.³¹

The United States exhibits a paradox: while constitutionally robust, with the Eighth Amendment prohibiting “cruel and unusual punishment,” it also leads the world in incarceration rates. Unlike the UK and India, which operate centralized prison frameworks, the U.S. comprises 50 states with distinct prison statutes, supplemented by the Federal Bureau of Prisons (BOP). The “Prison Litigation Reform Act (PLRA), 1996” was enacted to limit frivolous lawsuits by prisoners, but it has also constrained legitimate legal challenges to prison conditions. The most persistent issue is systemic racism: Black Americans are incarcerated at five times the rate of whites, and Indigenous populations also suffer from hyper-incarceration. In “*Jones v. Mississippi*, 593 U.S. ____ (2021)”, the Court upheld life imprisonment for juveniles without mandatory findings of irredeemability, undermining global trends toward restorative justice. On the reform front, “*Brown v. Plata*, 563 U.S. 493 (2011)”, forced California to reduce prison

²⁹ *Suicides and Drug Use Surge in England’s Crowded Jails, Says Watchdog*, Fin. Times (Sept. 2024).

³⁰ *Mass Incarceration Is a Cruel, Expensive, Ineffective Approach to Addressing Crime*, Teen Vogue (Dec. 21, 2022).

³¹ Chika O. Okafor, *Prosecutor Politics: The Impact of Election Cycles on Criminal Sentencing*, arXiv (2021).

overcrowding based on Eighth Amendment violations. Yet, the rise of private prisons, which currently house about 8% of inmates nationwide, fueled by profit incentives, continues to hinder humane correctional policy, despite Executive Order 14006 (2021) aiming to phase them out. As of 2023, more than \$182 billion annually is spent on incarceration in the U.S., but without proportional improvements in outcomes like recidivism or social reintegration.³²

One critical comparative insight is the importance of independent prison oversight. The UK’s PPO and IMBs offer models that both India and the U.S. should consider institutionalizing. While the NHRC in India plays an oversight role, it lacks the direct administrative and investigatory authority that UK bodies exercise. Additionally, the United States lacks a national ombudsman for prisons, leaving much of the burden of reform to civil society and court litigation under 42 U.S.C. § 1983.³³

Rehabilitation as a principle is also unequally embraced. The UK has integrated rehabilitative programs, including educational opportunities and mental health counseling, within a legal framework backed by the ECHR. India, despite progressive rulings like “*Ramamurthy v. State of Karnataka*, (1997) 4 SCC 57”, suffers from severe resource deficits and administrative apathy. The U.S., through the First Step Act, 2018, introduced educational and vocational credits to reduce sentences but implementation varies, especially in private facilities.³⁴

COVID-19 offered a revealing lens on prison policy flexibility. The UK and India released prisoners under early-release schemes or emergency paroles; India’s Supreme Court Committee on Prison Reforms recommended decongestion to prevent outbreaks. The U.S., however, exhibited racialized and unequal implementation of early release, as highlighted by the ACLU and Brennan Center for Justice, reinforcing the systemic biases that pervade its carceral structure.³⁵

Comparative Analysis of Prison Reform: India, United Kingdom, and United States

Aspect	India	United Kingdom	United States
1. Key Law	The Prisons Act, 1894 remains the primary statute, originally framed during colonial rule. It emphasizes discipline and containment rather than rehabilitation. Supplemented by the Model Prison Manual, 2016 , which provides a modern framework (e.g., open prisons, legal aid), yet lacks binding legal force. States also have their own prison rules under Entry 4, List	The prison regime is governed by the Prison Act 1952 , complemented by the Offender Management Act 2007 , which formally established the Her Majesty’s Prison and Probation Service (HMPPS). The system is influenced heavily by international human rights norms, especially the Human Rights Act 1998 , which domestically enforces the	Governed by a dual legal system: federal and state laws. At the federal level, the Prison Litigation Reform Act (PLRA), 1996 regulates prisoner lawsuits and restricts litigation rights. The First Step Act, 2018 , focuses on rehabilitation and sentence reduction through earned credits. State-level laws vary widely across 50 states, complicating standardization.

³² Ayisha Sidique & Kanchal Gupta, *A Comprehensive Study of India’s Prison System: Structural Development & Capacity Challenges*, J. Informatics Educ. & Research (2024).

³³ Rooba V., *Understanding the Impact of Open Prison System in India as a Part of Jail Reform*, 6 Int’l J.L. Mgmt. & Humanities 50 (2023).

³⁴ Nishant K. Adhikari, *Prison and Prison Reforms in India*, 4 Int’l J.L. Mgmt. & Humanities 2161 (2021).

³⁵ Sagar & Ani Deval, *Beyond Bars: Addressing India’s Prison Crisis Through Reforms & Alternatives*, 6 Int’l J.L. Mgmt. & Humanities 1772 (2023).

Aspect	India	United Kingdom	United States
	II of the Seventh Schedule of the Constitution.	European Convention on Human Rights (ECHR).	
2. Constitutional Safeguard	Article 21 of the Constitution of India , as interpreted by the Supreme Court, guarantees prisoners' right to life and dignity. Landmark rulings like <i>Sunil Batra v. Delhi Administration</i> and <i>Inhuman Conditions in 1382 Prisons, In Re</i> have expanded the scope of protection. However, there is no explicit reference to prisoners' rights in the constitutional text.	Article 3 of the European Convention on Human Rights , incorporated via the Human Rights Act 1998 , ensures no one shall be subjected to torture or degrading treatment. UK courts (e.g., <i>R (Short) v. Secretary of State for Justice</i> [2021] EWHC 2097) have enforced this right to address solitary confinement and inadequate healthcare in prisons.	The Eighth Amendment of the U.S. Constitution prohibits "cruel and unusual punishment" and is the main constitutional safeguard in prisoner litigation. Inmates can also file lawsuits under 42 U.S.C. §1983 for violations of constitutional rights. Notable decisions such as <i>Brown v. Plata</i> , 563 U.S. 493 (2011), mandated decongestion to uphold Eighth Amendment rights.
3. Reform Focus	Largely driven by judicial activism and civil society efforts rather than legislative innovation. The Model Prison Manual (2016) promotes open prisons, education, vocational training, and non-custodial measures. Supreme Court orders have focused on decongestion and improving health conditions, especially during COVID-19 (e.g., W.P. (C) No. 692/2020). Nonetheless, prison reforms lack uniform adoption across states.	Focused on rehabilitation and reentry , particularly for youth and female offenders. Incorporates education, mental health care, and alternatives to incarceration (like community service). Supported by institutions like the Prisons and Probation Ombudsman and Independent Monitoring Boards , and backed by statutory duties under the Offender Management Act 2007 . COVID-19 accelerated early release schemes and digitized rehabilitation programs.	Recent reforms like the First Step Act (2018) emphasize sentence reductions, vocational training, and reintegration. There is also a growing political effort to reduce reliance on private prisons , especially under Executive Order 14006 (2021) . Rehabilitation programs, however, are inconsistently applied due to privatization and racial disparities. Post-George Floyd era saw renewed push for reform in police and carceral systems.
4. Major Challenges	Overcrowding is rampant, with occupancy rates crossing 118% nationally (NCRB 2022). Shortage of staff, custodial torture (e.g., Thoothukudi deaths, 2020), poor medical facilities, and limited access to legal aid are pressing concerns. Many undertrial prisoners languish	The HM Chief Inspector of Prisons 2021–22 flagged chronic issues: staff shortages , increasing inmate suicides , deteriorating mental health care, and overuse of solitary confinement. Despite strong rights protections, the system struggles to meet rising operational demands.	The U.S. faces mass incarceration , with over 1.9 million people imprisoned as of 2023. Racial disparities are extreme—Black Americans are incarcerated at 5 times the rate of Whites. The use of private prisons (housing ~8% of federal inmates) leads to profit-driven practices. Challenges include

Aspect	India	United Kingdom	United States
	in jails beyond permissible limits due to judicial delays. States show reluctance to adopt progressive reforms.	Racial and gender disparities persist in treatment and rehabilitation outcomes.	solitary confinement abuses, lack of medical care, and unequal implementation of reforms across states.
5. Incarceration Rate (2023)	Approximately 35 per 100,000 population , one of the lowest globally but misleading due to high number of undertrials (over 75% of total prison population). System is marked by delays and overcrowding rather than large-scale convictions. (Source: NCRB Annual Prison Statistics 2023)	Roughly 129 per 100,000 population . Though significantly lower than the U.S., it remains higher than most Western European nations. The UK has successfully used non-custodial sentences to avoid unnecessary incarceration. (Source: UK Ministry of Justice, 2023)	Highest among developed nations, at approximately 505 per 100,000 population . The number includes both federal and state prisons. Disproportionately affects Black and Hispanic populations. (Source: Bureau of Justice Statistics, 2023)

Conclusion and Recommendations

Comparative examination of prisons reform in India, United Kingdom and United States discloses intricate relationship among through laws, constitutional safeguard and the socio-political determination of insuring humane prison. Although a variety of rights of prisoner have been enshrined in the constitutional or statutory regimes of the respective countries, multifold as it is, actually implementing those rights is a big challenge. Even with powerful verdicts made by the highest courts of the land based on Article 21 of the Constitution, India is still struggling with the colonial-era Prisons Act, 1894. Although the country has a clear reform agenda as explained in Model Prison Manual 2016 and various guidelines issued by the Supreme Court, what hurts it is an inaccurate execution of its agenda, lethargic attitude of the bureaucrats, and serious infrastructural deficiencies. The custodial violence, the absence of medical treatment and the high number of state undertrial prisoners are indicators of systemic flaws of deep-rooted nature, which weakens and contravenes rule of law in carceral context.

On the contrary, the United Kingdom is more formal and rights based. The Human Rights Act 1998, using the immediate incorporation of the European Convention on Human Rights, provides an enforceable protection against degrading treatment and deprivation of liberty without cause. Nevertheless, the prison system of the UK is still overloaded due to austerity measures, lesser staff, and more and more problems with mental health. With images of self-harm and cases of solitary confinement being greatly connected with the levels of self-harm and the incidences of solitary confinement, it can be observed that rights on paper are often different on the ground with mechanisms of external monitoring like the prisons and probation Ombudsman and Independent Monitoring Boards, creating transparency and accountability.

The most paradoxical case is offered by the United States, where the legal principles of due process, constitutional protection are the strongest, and at the same time, the nation is at the top in terms of the number of people incarcerated and the racial bias in terms of prison demographics. Even despite such major cases as *Brown v. They* have struck structural reforms to states such as California and legislations such as the First Step Act have attempted to encourage rehabilitation, but the overall power of privately managed prisons and institutionalized racism is constantly preventing any reform. The problem is further worsened by the prevalent use of solitary confinement, the growth of mass incarceration due to severe sentencing laws and the undermining of public defender capabilities.

Going further, it is necessary to offer a multi-faceted reform strategy. India should also make their main focus to replace the old Prisons Act with rights oriented national framework that can be applied in the same way in all the states. Institutionalization of legal aid, swift trial facility and alternative options to custody should be established. The UK needs to emphasize on improving the welfare and mental health intervention of its staff and limit the use of solitary confinement. The United States should immediately work on providing a remedy to structural racism within its criminal justice system, ending the monetary incentive of owning and operating a prison. It is impossible to discuss prison reform only in a global context; in terms of morality and social justice of a constitutional concern as well as regarding the international standards of human rights.

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