

International Journal of Engineering, Science and Humanities

An international peer reviewed, refereed, open access journal
Impact Factor: 8.3 www.ijesh.com ISSN: 2250 3552

Rights of Prisoners in India: A Critical Study

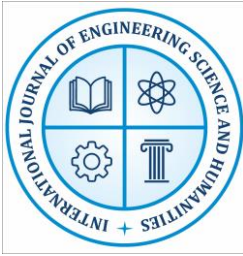
Dr. Savi Nagpal

Assistant Advocate General (Punjab)

Abstract:

The impact of international norms and comparative legislation on prisoner rights on the development of constitutional law and jail reforms in India is highlighted in this paper's comprehensive analysis of these topics. Important international human rights documents provide the groundwork for humane treatment of prisoners by outlining general principles. As an example, Article 5 of the 1948 Universal Declaration of Human Rights forbids torture and other harsh, brutal, or humiliating forms of punishment; Article 10 guarantees the right to a public and fair trial; and Article 11 upholds the assumption of innocent unless proven guilty. India has also accepted the International Covenant on Civil and Political Rights (1966), which forbids torture and unfair trial methods and emphasizes the need of treating all those deprived of their liberty with dignity. Prison administration, housing, healthcare, discipline, inspections, and rehabilitation are all covered in detail in the United Nations Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules, 2015), which moves the emphasis away from punitive incarceration and toward reformatory justice. The Convention against Torture (1984) is an international duty that India has not ratified, despite its universal relevance. This highlights a gap between international responsibilities and domestic execution.

Comparative viewpoints from other jurisdictions and international norms both show how judicial activism and constitutional protections can change jail administration. U.S. courts have acknowledged inmates' rights to medical treatment and protection from degrading treatment, and have used the Eighth Amendment to ban cruel and unusual punishment. By incorporating the European Convention on Human Rights into its legal system, the Human Rights Act of 1998 made it possible for prisoners' rights to be enforced by the courts in the United Kingdom. In the meanwhile, one of the most advanced models in the world is the South African Constitution, which guarantees inmates access to justice, medical care, and sufficient nutrition. These cases show that it is possible to find a middle ground between institutional punishment and individual rights, even in prisons. When interpreting Article 21 of the Constitution in Indian context, the judiciary has frequently looked to these international norms. This is especially true in instances involving issues like torture, expedited trials, access to legal counsel, and protections while in custody. Indian law has benefited from this judicial borrowing, but these safeguards will only be effective if thorough legislative reforms are not implemented. To bridge the gap between constitutional ideals and jail



International Journal of Engineering, Science and Humanities

An international peer reviewed, refereed, open access journal
Impact Factor: 8.3 www.ijesh.com ISSN: 2250 3552

reality, this paper suggests that India should ratify pending agreements, take a rehabilitative approach instead of a strictly punitive one, and bring its prison regulations in line with international human rights norms. India must fulfill its responsibilities as a constitutional democracy and a responsible member of the global community by transforming its jails into institutions that uphold dignity, equality, and justice by integrating international norms with domestic practices.

Keywords: Prisoners' rights, international standards, human rights instruments, South African and Indian constitutions, judicial activism.

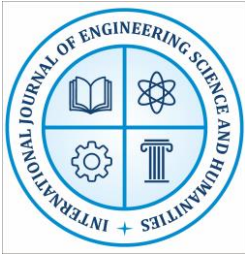
1. Introduction

The philosophy of criminal jurisprudence is founded upon two key principles—protection of society from offenders and safeguarding the rights of those who are incarcerated. In India, the debate over the rights of prisoners is deeply embedded in constitutional morality, democratic values, and human dignity. Prisoners, by virtue of their imprisonment, lose certain liberties, most notably the freedom of movement and association. But they are still human, and as such, they have the same rights as everyone else under the Constitution. From the vantage point of criminal justice administration as well as human rights, the issue of prisoners' rights becomes increasingly pertinent. The overcrowding, custodial torture, lack of healthcare, and insufficient rehabilitative methods in Indian prisons are frequently cited in criticisms of these institutions. Achieving justice in this setting requires acknowledging, protecting, and enforcing the rights of prisoners. In this paper, we examine the rights of inmates in India from a critical perspective. Examining the evolution of jail rules, the constitutional and legislative framework, the role of the judiciary in extending rights, the similarities and differences between Indian practices and international norms, current issues, and reform recommendations are all part of the report.¹

2. Historical Background of Prisoners' Rights in India

The Prisons Act of 1894, which is still the main law controlling prisons in India today, is a significant colonial legacy that has impacted the country's jail system. This law largely addressed inmate categorization, staff responsibilities, and prison administration; it paid little attention to humane treatment or reformatory elements, instead placing an emphasis on discipline, security, and punishment. Overcrowding, bad sanitation, and ill circumstances were highlighted during the colonial era by the imprisonment of numerous independence fighters, such as Bal Gangadhar Tilak, Mahatma Gandhi, and Jawaharlal Nehru. Prisons in India were more used as tools of control than tools for change during British administration, despite the fact that these shortcomings were clearly detailed in the Indian Jails Committee Report (1919–1920). Prison management was nonetheless governed by these antiquated colonial rules even after independence, when the Constitution established values of justice, liberty, and dignity. There were a number of committees

¹ Basu, D. D. (2015). *Introduction to the Constitution of India*. Prentice-Hall of India Pvt. Ltd.



International Journal of Engineering, Science and Humanities

An international peer reviewed, refereed, open access journal
Impact Factor: 8.3 www.ijesh.com ISSN: 2250 3552

established in response to the pressing need for change.² One of these, the Mulla Committee (1980–1983), suggested prison modernization, staff professionalization, and the separation of inmates awaiting trial from those already in prison. Another, the Justice Krishna Iyer Committee (1987), placed an emphasis on rehabilitation, legal assistance, and community-based alternatives to incarceration. But these efforts have not been enough to speed up prison reforms in India; administrative apathy and a lack of funding have kept many colonial practices in place long after the country gained independence.³

3. Constitutional and Statutory Framework

Every person, even those incarcerated, has their rights guaranteed by the Constitution of India, which is the highest legislation of the nation. Judicial interpretation has maintained that, notwithstanding the limitations imposed by incarceration, inmates continue to have fundamental rights, even though the term "prisoners' rights" is not used anywhere in the Constitution.

3.1 Fundamental Rights of Prisoners

The right to equal protection under the law is guaranteed to every individual, including those incarcerated, according to Article 14 of the Constitution of India. This section guarantees that a person's inherent dignity and legal protections are not violated while they are in prison. Everyone, whether they're a citizen or a prisoner, has the right to be free from discrimination and arbitrary treatment under the law, and everyone should be treated the same under the law when they're in a similar situation. This means that jail officials are unable to make distinctions between inmates based on meaningless characteristics like gender, socioeconomic standing, caste, religion, or wealth. As an example, it would be completely against the law and a clear breach of Article 14 to provide wealthy inmates or powerful individuals with luxurious amenities while regular prisoners endure overcrowding and terrible sanitation.⁴ Also, as long as it's founded on understandable differences and helps achieve a valid goal, the principle permits appropriate categorization. Their respective legal statuses—undertrials are deemed innocent unless proven guilty, while criminals have been formally sentenced—make it constitutionally permissible to treat them differently. In a same vein, specific accommodations may be provided to ensure the health and dignity of female inmates, young offenders, and convicts with disabilities. On multiple occasions, Indian courts have stressed the need of interpreting equality in a way that protects inmates' human rights, rather than narrowly. To put it simply, Article 14 safeguards the values of justice and fairness in prison management by prohibiting arbitrary measures.

² Grewal, G. (2017). Prisoners' rights and judicial intervention in India. *Indian Law Review*, 45(3), 34-51

³ Koch, P. (2004). The role of judiciary in protecting prisoners' rights. *Indian Constitutional Review*, 15(4), 103-120

⁴ Sharma, A. (2012). Prison conditions and human rights in India. *Human Rights Journal*, 9(3), 72-85.



International Journal of Engineering, Science and Humanities

An international peer reviewed, refereed, open access journal
Impact Factor: 8.3 www.ijesh.com ISSN: 2250 3552

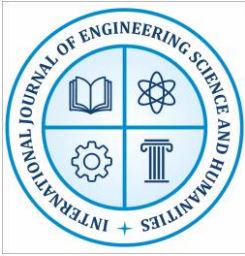
While imprisonment necessarily curtails certain freedoms, prisoners do not lose all their rights under Article 19 of the Constitution. Although they cannot claim the full liberty of speech, expression, or movement available to free citizens, certain limited rights continue to survive even within prison walls. Prisoners retain the right to write letters, communicate with their families, and express themselves in a manner consistent with their conditions of confinement. They are also entitled to seek redressal of grievances through appropriate legal or administrative channels, ensuring that their voices are not silenced entirely. However, these rights are not absolute; they may be subject to reasonable restrictions imposed in the interest of prison security, discipline, and the broader goals of correctional administration.⁵ For instance, censorship of correspondence may be justified to prevent conspiracy or violence, but a complete denial of communication would be unconstitutional. The Supreme Court has held that restrictions must have a rational connection to legitimate objectives of prison management and cannot be arbitrary or excessive. Thus, Article 19 guarantees that while prisoners' freedoms are curtailed, they are not extinguished, striking a delicate balance between individual rights and institutional order.

Article 20 of the Constitution provides crucial safeguards to individuals, including prisoners, in relation to criminal offences and punishments. Article 20(1) prevents the enactment of retrospective criminal laws, meaning that no person can be convicted of an offence for an act that was not an offence under the law at the time it was committed. This protection ensures fairness and prevents arbitrary punishment. Article 20(2) embodies the principle of double jeopardy, prohibiting a person from being prosecuted and punished for the same offence more than once. In the prison context, this guarantees that once an individual has served the punishment awarded by a competent court, they cannot be subjected to additional trials or penalties for the same act. Finally, Article 20(3) protects against self-incrimination, ensuring that no accused person can be compelled to testify against themselves. This safeguard is particularly significant during the stages of investigation, trial, and interrogation, as it prevents coercive methods by the authorities to extract confessions. Together, these provisions underline the principle that even those accused or convicted of crimes are entitled to constitutional guarantees of fairness, justice, and due process, reinforcing that punishment must always be lawful and just.⁶

Article 21 of the Constitution of India is the most significant safeguard for prisoners, as it guarantees that no person shall be deprived of life or personal liberty except according to a procedure established by law. Over the years, judicial interpretation has greatly expanded the scope of Article 21, transforming it into the foundation upon which most prisoners' rights are built. The

⁵ Bajpai, S. (2015). *Prisoners' Rights in India: A Critical Analysis*. Oxford University Press.

⁶ Puri, S. (2018). Prison reforms and the Indian legal system. *Journal of Criminology*, 22(2), 140-160.



International Journal of Engineering, Science and Humanities

An international peer reviewed, refereed, open access journal
Impact Factor: 8.3 www.ijesh.com ISSN: 2250 3552

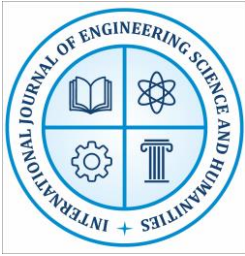
Supreme Court has clarified that the right to life is not limited to mere physical existence but includes the right to live with dignity. For prisoners, this means that conditions of incarceration must respect their human worth and not subject them to humiliation or degrading treatment. Article 21 has also been interpreted to include the right to health and medical care, recognizing that the state has a duty to provide adequate healthcare facilities to those in custody. Similarly, the right to a speedy trial has been read into Article 21 to prevent undertrial prisoners from languishing in jails for years without adjudication of their cases.

Equally vital is the right against torture and inhuman treatment, ensuring that prison authorities cannot resort to cruelty, solitary confinement, or custodial violence without legal sanction. Additionally, the right to legal aid has been held to be a part of Article 21, enabling indigent prisoners to access justice and defend themselves effectively. Thus, Article 21 acts as the constitutional cornerstone of prisoners' rights, ensuring that even in confinement, individuals retain their dignity and humanity. Article 22 of the Constitution provides essential procedural safeguards to individuals, including those who are arrested and detained, thereby acting as a crucial protection against arbitrary state action. The right to know the charges against an arrested individual and time to prepare a defense is guaranteed under this law. Equal access to justice and a fair trial are preconditions to which Article 22's provision of the right to choose and retain an attorney is essential. The requirement that an apprehended person be produced before a court within 24 hours of arrest is another crucial precaution that prevents unlawful or secret detention by police agencies.⁷ These provisions collectively function as a constitutional shield against illegal confinement, custodial abuse, and misuse of power by law enforcement agencies. By mandating transparency, accountability, and immediate judicial oversight, Article 22 reinforces the principle that deprivation of liberty must always follow due process of law and that even individuals accused of crimes cannot be stripped of their fundamental rights.

3.2 Directive Principles of State Policy (DPSPs)

Despite its lack of legal enforceability, the non-justiciable Directive Principles of State Policy (DPSPs) offer crucial policy and moral direction to the state in molding prison administration. Inmates from economically disadvantaged backgrounds and other oppressed groups often lack the resources to hire an attorney, making the state's obligation to provide free legal assistance and advance equal justice all the more crucial under Article 39A. Article 42 directs the state to secure humane conditions of work, which extends to prison labour by requiring that inmates engaged in work are treated fairly, provided with safe working environments, and not exploited. Similarly, Article 47 places a duty on the state to improve public health, which becomes particularly relevant in the prison context where overcrowding and inadequate medical facilities often threaten the

⁷ Batra, S. (1980). *Sunil Batra v. Delhi Administration*. Supreme Court of India



International Journal of Engineering, Science and Humanities

An international peer reviewed, refereed, open access journal
Impact Factor: 8.3 www.ijesh.com ISSN: 2250 3552

health and dignity of inmates. Together, these principles underscore the state's responsibility to move beyond a punitive approach and towards a system that upholds justice, dignity, and welfare within prisons.⁸

3.3 Statutory Provisions

The statutory framework governing prisons in India is rooted in colonial legislation and later supplemented by post-independence reforms, though many provisions remain outdated. There have been numerous demands to replace the Prisons Act of 1894 with a more progressive law that is in line with constitutional and international human rights standards. The act, which governs the classification and separation of prisoners, as well as their discipline and the duties of jail officials, has been heavily criticized for its punitive nature and failure to prioritize rehabilitation. Although it served an essential administrative purpose, the Prisoners Act of 1900 provided nothing in the way of welfare or reform, and its primary purpose was to govern the transfer of prisoners between prisons and states for reasons like security, overcrowding, or attending legal processes. Subsequently, this framework was enlarged by the Transfer of Prisoners Act, 1950, which allowed for transfers between states for purposes of both security and rehabilitation or convicts' convenience. In 1958, lawmakers passed the Probation of Offenders Act, which prioritized the rehabilitation of juvenile and first-time offenders through probation rather than incarceration. This marked a clear move towards a more reformative approach. Also, the Juvenile Justice (Care and Protection of Children) Act, 2015 promoted children's rights by making sure that, instead of punishing, juvenile offenders are helped and reintegrated into society. These laws, combined with constitutional protections, establish a solid groundwork for preserving inmates' rights in India, but there are still significant obstacles to their actual application.⁹

4. Judicial Pronouncements and Case Law

The judiciary in India has been the most active guardian of prisoners' rights. Through Public Interest Litigations (PILs) and individual cases, courts have expanded the scope of constitutional rights to the prison context.

4.1 Landmark Cases

One of the most important Supreme Court decisions of all time, *Sunil Batra v. Delhi Administration* (1978 & 1980), addressed the constitutionality of solitary confinement and the usage of bar fetters in prisons. Article 21, which protects the right to life and personal liberty, is violated when an inmate is placed in solitary confinement without the appropriate statutory authorization, according to the Court. Prison walls cannot separate prisoners from the safeguards guaranteed by the Constitution, and incarceration does not revoke a person's basic rights, it

⁸ Sheela Barse v. Union of India (1986). Supreme Court of India

⁹ Majumdar, S. (2021). Right of prisoners in India: A comparative analysis to USA, UK, and Australia.



International Journal of Engineering, Science and Humanities

An international peer reviewed, refereed, open access journal
Impact Factor: 8.3 www.ijesh.com ISSN: 2250 3552

underscored. This landmark decision affirms the right to dignity, decent treatment, and protection from arbitrary punishment for all inmates, regardless of whether they are legally jailed or not.

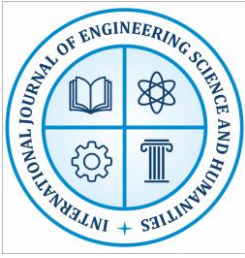
A troubling truth was brought to light in the case of *Hussainara Khatoon v. State of Bihar* (1979–1980) regarding thousands of Indian undertrial inmates who had been jailed for years, some for longer than the maximum penalty for their purported crimes. When considering this case, the Supreme Court cited Article 21, which protects individual liberties and life, as including the right to a prompt trial. Maintaining undertrials in indefinite solitary confinement until trial violated their basic human rights, the Court noted, and justice postponed is justice denied. The ruling marked a watershed moment in criminal jurisprudence by establishing the right to a quick trial, which led to the release of thousands of convicts awaiting trial. This case brought attention to the significant backlogs in India's criminal justice system and reaffirmed the importance of a prompt and equitable decision in determining an individual's liberty.¹⁰

To prevent the abuse and exploitation of female inmates, the Supreme Court took up the urgent matter of *Sheela Barse v. State of Maharashtra* (1983). Journalist Sheela Barse brought attention to the issue of female detainees' susceptibility to abuse by both prison personnel and other inmates through a written petition, which led to the inception of the case. In light of the gravity of the situation, the Court reaffirmed Article 21's guarantee of the right to the special protection of the dignity and safety of women in detention. It mandated that, in order to protect female inmates from harassment and abuse, there be dedicated female-only prisons. Also, the Court mandated that NGOs have unfettered access to prisons for the purpose of monitoring conditions and offering assistance, and that female convicts be given access to legal aid services. Women inmates in India's prisons should not be deprived of the fundamental rights to respect, safety, and legal protections just because they are inmates; this ruling marked a watershed moment in the movement for gender-sensitive prison reforms in the country.¹¹

The question of whether a prisoner might write and publish an autobiography while serving his term was considered by the Supreme Court in the case of *Charles Sobhraj v. Superintendent, Central Jail* (1978). The case brought up significant concerns about the applicability of the right to free speech and expression, as guaranteed by Article 19(1)(a) of the Constitution, when incarcerated. Although a prisoner's rights are limited by the necessities of confinement, the Court ruled that these rights cannot be completely eliminated. If a prisoner's writings could compromise prison discipline, security, or public order, the state can put reasonable restrictions on them, according to the ruling. But just because someone is in prison doesn't mean they can't express themselves. Finding a middle ground between individual freedom and prison administration, this

¹⁰ Srinivasan, S. (2014). The rights of prisoners: An overview. *JRED*, 2(9)

¹¹ Raval, V. (2022). A study on the protection of prisoner's human rights in India. *SSRN*.



International Journal of Engineering, Science and Humanities

An international peer reviewed, refereed, open access journal
Impact Factor: 8.3 www.ijesh.com ISSN: 2250 3552

ruling upheld that inmates' basic rights continue even while incarcerated, within reasonable and proportional constraints imposed to preserve institutional order.

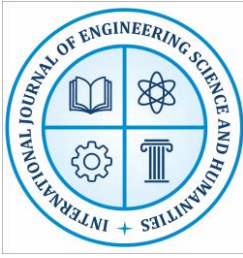
D.K. Basu v. State of West Bengal (1997) was a seminal decision in which the Supreme Court addressed the national crisis of torture and fatalities in prisons. The Court found that police brutality, including the use of torture, goes against the right to life and individual liberty guaranteed by Article 21 of the Constitution and damages public faith in the judicial system and the rule of law. The Court established required rules to be observed during detention and arrest in response to the critical need for protections. Among these were the following: having a documented arrest memorandum prepared, witnessed, and countersigned by the detainee; having the arrested person medically examined immediately and at regular intervals; and being obligated to inform the detainee's friends and family about the arrest and where they are being held. The court also ordered the keeping of detention records and the provision of legal representation to the person who had been arrested. One of the most important judicial interventions for safeguarding the human rights of detainees and prisoners in India, these guidelines were created to reduce arbitrary arrests, custodial violence, and deaths. They later served as the foundation for changes in the Code of Criminal Procedure.¹²

The Supreme Court of India investigated the systemic issues plaguing Indian jails in the case of Rama Murthy v. State of Karnataka (1997). The argument centered on systemic flaws that violated the constitutional rights of prisoners rather than specific grievances. Chronic overcrowding, inadequate healthcare facilities, inadequate infrastructure, delays in trial and legal aid, custodial violence, neglect of undertrial prisoners, and poor rehabilitation measures were among the nine critical issues identified by the Court.¹³ Other issues included a lack of properly trained prison staff, inadequate vocational and educational programs, inadequate healthcare, and poor infrastructure. The Court, seeing these flaws as breaches of inmates' rights under Article 21 of the Constitution, demanded comprehensive systemic changes instead of isolated fixes. There was an emphasis on the need to update prisons, make living circumstances better, and create regulations that would bring prison management in line with respect for human dignity and rehabilitative goals. Both the legislative and executive branches are urged to take immediate action to rectify the situation, as the verdict reaffirms the notion that prisons should not stay neglected and isolated but should instead transform into centers for reform and reintegration.¹⁴

¹² Kalita, H., & Pathak, A. (2022). Life imprisonment in India from a human rights perspective.

¹³ Kaur, R. (2025). Prisoners' rights in India: A human rights perspective. *Christ University Law Journal*, 14(1), 105-133.

¹⁴ Srinivasan, S. (2015). The rights of prisoners: An overview. *JRED*, 2(9).



International Journal of Engineering, Science and Humanities

An international peer reviewed, refereed, open access journal
Impact Factor: 8.3 www.ijesh.com ISSN: 2250 3552

4.2 Role of Judiciary

Judgment has played a significant role in safeguarding and expanding prisoners' rights in India, notably via its progressive interpretation of Article 21 of the Constitution. Courts have ensured that prisoners retain their humanity and fundamental rights even while incarcerated by incorporating a wide range of safeguards into Article 21, including the right to a fair trial, health, dignity, legal representation, and protection from torture. Through innovative use of PILs, the courts have been able to address systemic issues such as overcrowding, indefinite detention of undertrials, custodial assault, and the disdain for women and vulnerable groups. The courts have sought to strike a balance between the state's need to provide prison security and discipline and the human rights of prisoners by making it clear that punishment cannot excuse harsh or humiliating treatment. Indian courts have transformed jails from penal institutions to institutions obligated to respect constitutional principles and human dignity by persistently defending the rights of prisoners.¹⁵

5. International Standards and Comparative Perspective

The recognition of prisoners' rights is not unique to India but forms part of a global human rights framework. International conventions, treaties, and comparative jurisprudence provide useful benchmarks for India.

5.1 Universal Human Rights Instruments

Articles 5, 10, and 11 of the Universal Declaration of Human Rights (UDHR, 1948) collectively safeguard the dignity and rights of individuals. Article 5 prohibits torture, cruel, inhuman, or degrading treatment or punishment, ensuring that no person is subjected to physical or mental abuse by the state or its authorities. Transparency, fairness, and justice are emphasized in legal proceedings by Article 10, which ensures the right to a public and fair hearing before an impartial and independent tribunal. Under Article 11, the assumption of innocence is maintained until proven guilty. This means that until proven guilty through authorized procedures and evidence, every accused individual must be treated as innocent. By safeguarding citizens from tyrannical governments, guaranteeing equitable trial procedures, and upholding inherent human dignity, these laws are the bedrock of contemporary human rights legislation. As a sign of its commitment to respecting the ICCPR's rules, India ratified the treaty in 1979.¹⁶ Torture and other cruel, brutal, or humiliating treatment or punishment are explicitly forbidden in Article 7 of the ICCPR, further solidifying the universal prohibition of such acts in international law. Emphasizing the need to treat prisoners with compassion and respect their inherent dignity, Article 10(1) states that "All persons deprived of their liberty shall be treated with humanity and with respect for the inherent

¹⁵ Srinivasan, S. (2015). The rights of prisoners: An overview. *JRED*, 2(9).

¹⁶ United Nations. (1948). *Universal Declaration of Human Rights*.



International Journal of Engineering, Science and Humanities

An international peer reviewed, refereed, open access journal
Impact Factor: 8.3 www.ijesh.com ISSN: 2250 3552

dignity of the human person." This provision emphasizes preservation of prisoners' rights and humane circumstances of confinement. The right to a fair trial is emphasized in Article 14, which guarantees due process, impartiality, fairness, and equality before tribunals and courts. All of these clauses work together to make India's human rights protections stronger by bringing Indian law in line with its international commitments. Inmates' rights and prison administration are outlined in depth in the Nelson Mandela Rules, which are part of the United Nations Standard Minimum Rules for the Treatment of Prisoners. To guarantee that incarceration does not violate fundamental human dignity, these regulations address critical areas such as proper housing, sanitation, healthcare, discipline, and rehabilitation chances.¹⁷ All inmates, regardless of their gender, ethnicity, religion, or socioeconomic status, must be treated equally, and they stress non-discrimination. For the sake of openness and accountability, the regulations also call for routine inspections of correctional facilities. They bring jail policies in line with global human rights norms by outlawing torture and other types of brutal, inhumane, or humiliating treatment. All things considered, these rules are an attempt to help incarcerated people change and reintegrate into society by striking a balance between their security demands and the need for compassionate treatment.

The Indian government has acknowledged the UNCAT but has not yet approved it. A nation cannot be bound by the treaty's terms unless it ratifies them. India would be bound to pass stringent domestic laws against torture, set up independent monitoring mechanisms, and offer victims' remedies if it ratified UNCAT. As a result, this measure will bring India in line with international human rights norms and increase responsibility for torture in prisons.¹⁸

5.2 Comparative Jurisprudence

The U.S. Constitution's Eighth Amendment prohibits "*cruel and unusual punishment*," forming the basis of prisoners' rights protection. In *Estelle v. Gamble* (1976), the Supreme Court recognized that denial of adequate healthcare to inmates amounts to cruel and unusual punishment, thus affirming prisoners' right to medical care. U.S. courts have also intervened in cases involving overcrowding, racial discrimination, and inhumane prison conditions, ensuring that correctional practices meet constitutional standards. The Human Rights Act, 1998 incorporates the European Convention on Human Rights (ECHR) into domestic law.¹⁹ Under Article 3 of the ECHR, torture and inhuman or degrading treatment are strictly prohibited. The U.K. system places significant emphasis on rehabilitation, promoting alternatives to imprisonment such as community service, probation, and restorative justice programs. This reflects a shift from a purely punitive approach

¹⁷ United Nations. (1966). *International Covenant on Civil and Political Rights*

¹⁸ United Nations. (2015). *Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules)*

¹⁹ Kaur, R. (2025). Prisoners' rights in India: A human rights perspective. *Christ University Law Journal*, 14(1), 105-133.



International Journal of Engineering, Science and Humanities

An international peer reviewed, refereed, open access journal
Impact Factor: 8.3 www.ijesh.com ISSN: 2250 3552

toward one focused on reintegration into society. South Africa's Constitution (Section 35(2)) explicitly safeguards prisoners' rights. It guarantees access to adequate accommodation, nutrition, medical treatment, and communication with the outside world. These provisions highlight a rights-based approach to prison governance, ensuring that deprivation of liberty does not strip individuals of their basic human dignity. South Africa thus sets a strong constitutional standard for the humane treatment of prisoners.

India, though influenced by these global standards, lags in implementation. Ratification of CAT and incorporation of Mandela Rules into domestic law remain unfinished tasks.²⁰

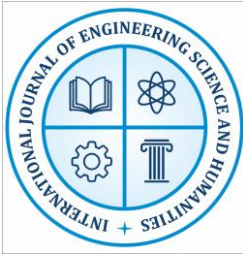
6. Present Condition of Prisons in India

Despite progressive judgments and constitutional safeguards, the ground reality in Indian prisons paints a grim picture. According to NCRB Prison Statistics, Indian prisons regularly operate at 120–130% of their official capacity, which means that facilities house far more inmates than they are designed for. Overcrowding results in unhygienic living conditions, increased risk of violence among inmates, rapid spread of infectious diseases, and serious psychological distress due to lack of space and privacy. More than 75% of India's prison population consists of undertrials—individuals awaiting trial, often for years. Unnatural deaths, false encounters, and abuse in prisons are ongoing issues. Concerns regarding responsibility and the preservation of human rights are heightened by the fact that, despite the Supreme Court's DK Basu recommendations, which aim to avoid custodial abuse, compliance is frequently low. Healthcare facilities in Indian prisons remain highly inadequate. Most prisons face shortages of doctors, medicines, and psychiatric services. Infectious diseases such as tuberculosis, HIV, and skin infections spread rapidly in crowded and unsanitary conditions. Mental health care is almost non-existent, even though depression, anxiety, and suicidal tendencies are widespread among inmates.²¹ Women constitute only about 4% of the prison population but encounter unique challenges. Many prisons lack proper sanitation facilities, maternity care, and protection against sexual harassment. Pregnant women and mothers living with their children inside prisons face issues of poor nutrition, lack of medical support, and inadequate childcare facilities, making them a highly vulnerable group. LGBTQ+ inmates face severe discrimination, harassment, and violence from both fellow prisoners and prison staff. Their specific health, privacy, and safety needs remain unrecognized in most prison regulations. This leads to marginalization, denial of medical and psychological care, and further violation of their dignity and rights.²²

²⁰ Srinivasan, S. (2015). The rights of prisoners: An overview. *JRED*, 2(9).

²¹ Bureau of Police Research and Development. (2003). *Model Prison Manual for the Superintendence and Management of Prisons in India*.

²² Government of India. (1950). *Transfer of Prisoners Act, 1950*.



International Journal of Engineering, Science and Humanities

An international peer reviewed, refereed, open access journal
Impact Factor: 8.3 www.ijesh.com ISSN: 2250 3552

6.1 Infrastructure and Staffing Issues

Many Indian prisons are housed in colonial-era structures that are unsuitable for modern correctional needs. Poor infrastructure makes it difficult to ensure hygiene, safety, and rehabilitation. Additionally, there is a severe shortage of trained prison staff, which undermines both security management and the implementation of rehabilitation and reform programs. Thus, despite constitutional promises, prisons in India remain overcrowded, underfunded, and plagued with human rights violations. A critical study of prisoners' rights in India highlights structural deficiencies that undermine justice and human dignity.²³ The outdated Prisons Act, 1894 emphasizes punishment over reform, and despite repeated recommendations, meaningful changes remain limited. Overcrowding and the large proportion of undertrial prisoners over three-fourths of the prison population reflect systemic failures in investigation, prosecution, and judicial efficiency, denying inmates basic rights and eroding the presumption of innocence. Custodial torture, deaths, and lack of accountability reveal a culture of impunity, worsened by India's failure to ratify the UN Convention Against Torture. Rehabilitation measures such as education, vocational training, and reintegration remain poorly implemented, while vulnerable groups like women, LGBTQ+ persons, the elderly, and disabled prisoners face neglect. Legal aid is minimal due to poor awareness and outreach. Administrative apathy, weak monitoring by human rights bodies, low funding, and inadequate staff training further deepen the crisis. The gap between constitutional promises and prison realities persists, and without urgent reforms focused on rehabilitation, accountability, and oversight, prisons risk perpetuating cycles of abuse and marginalization rather than serving justice.²⁴

Conclusion

At the crossroads of Indian constitutional principles, global human rights norms, and the pragmatics of criminal justice management are the rights of incarcerated individuals. Even while it has been established in the Constitution, statutes, and courts that a person's fundamental rights are not violated by imprisonment, this principle is not adequately enforced in practice. Overcrowding, false imprisonment, mistreatment in custody, inadequate medical treatment, and a lack of rehabilitation programs are some of the long-term issues that prisons confront today. Because of these problems, people lose trust in the judicial system and injustice cycles continue. Although the court has intervened through seminal rulings, lasting reform will necessitate policies shifts, stronger executive leadership, and a shift in public opinion. Respecting the rights of incarcerated people does not mean letting offenders off the hook; rather, it means treating all

²³ Kalita, H., & Pathak, A. (2022). Life imprisonment in India from a human rights perspective.

²⁴ United Nations. (1984). *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*.



International Journal of Engineering, Science and Humanities

An international peer reviewed, refereed, open access journal
Impact Factor: 8.3 www.ijesh.com **ISSN: 2250 3552**

people with the dignity they deserve. Recidivism can be decreased, society can be protected, and democracy can be strengthened through a jail system that is changed to prioritize rehabilitation, education, and reintegration. Closing the gap between theory and practice is crucial for inmates' rights in India's penal system. The most important things to do are to ratify treaties, pass new laws, upgrade jail infrastructure, and alter public perception of inmates. In order to be really just and humane, a society's criminal justice system must uphold human rights, even when incarcerated.