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Human Rights Perspectives On Prison Privatisation: Lessons From Global Practices On Benefits, Risks, And Legal Compatibility.

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ABSTRACT: Prison privatisation has grown globally over the past four decades, caused by various reasons like overcrowding, fiscal constraints, and neoliberal policies. While advocates cite efficiency and innovation, critics raise concerns over transparency, accountability, and compliance with human rights standards such as the UDHR, Nelson Mandela Rules, ICCPR, etc. This study conducts a comparative analysis of models in the USA, UK, Australia, New Zealand, and some African nations, examining operational performance, regulatory oversight, and rights implications. Drawing on qualitative policy review and secondary data, the research identifies both efficiencies and significant risks, particularly regarding contractual enforcement and human rights safeguards. Findings highlight that no single model is universally applicable; effectiveness depends on local political, legal, and social contexts. The study offers a framework that integrates policy evaluation with human rights assessment, guiding policymakers, especially in nations including India, that are considering privatising their penal institutions, and a basis for further cross-jurisdictional research.

Index Terms: Prison privatisation, Public-private partnership, Rehabilitation, Human rights violations, international prison standards.

I. INTRODUCTION

The modern phenomenon of prison privatisation can be traced back to 1979, when the United States Immigration and Naturalisation Service began contracting commercial companies to detain illegal immigrants who were awaiting deportation hearings (Wood, 2003). In the course of the following decade, governments entered into contracts for private prisons in several other countries, including the UK, Australia and New Zealand. This came to be seen increasingly as a lucrative business with a small number of companies involved, each chasing its share of 'the market'. In 2004, one of the companies described the UK as 'the second largest private correctional market in the world' (Coyle, 2008). Since then, prison privatisation has expanded globally over the past four decades, driven by overcrowding, fiscal pressures, and neoliberal governance models, which are subject to many pros and cons. While supporters highlight efficiency and innovation, critics question transparency, accountability, and compatibility with human rights standards such as the ICCPR and Mandela Rules. The existing studies on the privatisation of prisons are largely fragmented, with most studies focusing on single jurisdictions or isolated issues like cost-effectiveness. Comparative research integrating both policy and human rights perspectives—particularly across Global North and Global South contexts—remains scarce. This study addresses that gap by analysing privatisation models in the USA, UK, Australia, New Zealand, and selected African nations. Through a cross-jurisdictional approach, it evaluates operational,

legal, and human rights dimensions to identify common challenges, divergent practices, and transferable policy lessons that can be considered by other countries, including India.

II. THE PRISON PRIVATISATION CONCEPT

The term 'prison privatisation' does not mean that the prison facilities are wholly owned and controlled by private entities. Instead, it implies that the private sector or non-governmental organisations look after the management of these institutions, while the overall responsibility remains with the public sector (Harding, 1992). Privatisation in the context of prisons is not uniformly followed in countries that practice it. However, its concept includes a variety of arrangements that need to be understood before studying the actual practice in a global perspective, which includes:

A prison privatisation model that started in France assigns state employees to oversee functions related to the deprivation of liberty. At the same time, other services, like maintenance, transportation, accommodation, food, health, and vocational training, are contracted to nongovernmental companies. An alternative approach to privatisation is that the State constructs and maintains ownership of the prison facilities, while forming a contract with a third-party entity responsible for running the day-to-day operations and administration of the prison. A more comprehensive model of privatisation is when a commercial company or group of companies is contracted to manage everything from designing to operating a prison, and in return, such companies commit to provide a specific number of prison beds that meet certain standards on condition that the State agrees to pay for those beds for a set period of time based on the contract. A major change that comes with privatisation is the move to a market model for prisons. This model tends to hide many costs related to increased imprisonment in the short term, but high upfront costs for building prisons become long-term expenses. This lowers immediate costs but leads to higher costs for the public in the future (Encyclopaedia Britannica, 2025).

III. INTERNATIONAL FRAMEWORKS FOR THE PROTECTION OF HUMAN RIGHTS

3.1 UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), 1955: Rule 1 provides that all prisoners shall be treated with respect for their inherent dignity and value as human beings while Rule 4 affirms that the State retains the overall responsibility for the administration of prisons and the welfare of prisoners, even when services are outsourced. These provisions state that the respect for prisoners' human rights and the obligation of the state to ensure protection of such rights are not to be compromised. When it comes to the nature of management of prisons, there are provisions such as Rules 12–22 which cover minimum standards for living conditions, including adequate space, sanitation, nutritious food, and clean drinking water. Rules 24–35 mandate access to qualified healthcare professionals, mental health services, and respect for medical confidentiality. The change in penal philosophy has been specifically emphasised in the Mandela Rules, particularly in Rule 57, which provides that the purpose of imprisonment is primarily rehabilitation and social reintegration, not mere punishment. Also, regarding the question of staff's use of power, Rule 97 states that work should not be afflictive, slavery, servitude or exploitative at the hands of personal or private benefit of any prison staff (UNODC, 2015).

The risks in private prisons are challenged on various fronts. Staff must be professional, adequately trained, and adhere to ethical standards to ensure humane treatment of prisoners. Considering the actual expectations of private prisons, the above-mentioned rules, as outlined in the Nelson Mandela Rules, face the risk of being violated due to the profit-driven nature of the industry. It can lead to overcrowding, poor hygiene, inadequate food and water, and reduced access to medical care—violating core provisions of the Mandela Rules, which mandate humane conditions, proper healthcare, and rehabilitation. Suppose private entities are to have autonomy over employees of their system. In that case, privatised prisons may neglect rehabilitation programs and employ underqualified or underpaid staff, undermining standards for discipline, professional conduct, and the use of force. Moreover, limiting access to external oversight and complaint mechanisms compromises transparency and accountability. Crucially, the delegation of core custodial functions to private entities conflicts with the State's non-delegable responsibility to ensure the welfare of prisoners. Overall, the profit motive in prison management fundamentally threatens compliance with international human rights obligations.

3.2 The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT): The Convention Against Torture (CAT) directly prohibits torture and other inhuman or degrading treatment in any detention setting, and no excuse is allowed to be entertained for violation of human rights. Art. 2 provides that each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction and no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture (UN, 1984). The convention is clear about the excuse for torture. But, in private prisons, introducing profit motives and employing staff through a flexible mode can undermine the preventive, oversight and remedial obligations required under CAT. Also, in the absence of a strict legal obligation, private entities may not be trusted to take accountability for violations.

The Universal Declaration of Human Rights (UDHR, 1948): In the UDHR, Article 5 provides for no torture or cruel, inhuman, or degrading treatment, while Articles 10–11 provide for the right to fair hearing and treatment in criminal justice, which is the State's responsibility. Here, the risk is that private prisons often operate with minimal public oversight, which can result in abuse, neglect, and denial of legal safeguards—in direct conflict with the UDHR (UN, 1948). Even though it is a mere declaration and has no legally binding effect on any nation, the principles that are provided in this declaration are supported by the members of the UN, and some have incorporated it into their customary and constitutional laws as well.

3.3 International Covenant on Civil and Political Rights (ICCPR), 1966: In ICCPR, article 9 provides for protection against arbitrary detention, while article 10 provides for the treatment of all persons deprived of their liberty to be treated with humanity and respect for dignity (UN, 1966). Private prisons have the risk of dehumanising prisoners, due to a lack of transparency, and avoiding state-level accountability, making it challenging to enforce ICCPR protections.

UN Body of Principles for the Protection of All Persons under any Form of Detention or Imprisonment, 1988: Principle 4 provides that any form of detention or imprisonment, and all measures affecting the human rights of a person under such detention or imprisonment, shall be ordered by, or be subject to the effective control of, a judicial or other authority (UN, 1988). Privatised systems may restrict these protections depending on the extent of management that is permitted to the scrutiny of the public authority.

3.4 Basic Principles for the Treatment of Prisoners, 1990: Principle 5 provides that except for those limitations that are demonstrably necessitated by the fact of incarceration, all prisoners shall retain the human rights and fundamental freedoms set out in the Universal Declaration of Human Rights, and, where the State concerned is a party, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights and the Optional Protocol thereto, as well as such other rights as are set out in other United Nations covenants (UN, 1990). It is understood that the International obligations cannot be enforced in all countries uniformly, but in a civilised society, no nation can survive without respecting the dignity of every human being, whether incarcerated or not.

IV. CASE STUDY: GLOBAL CONTEXT

4.1 Australia

In Australia, the privatisation of prisons was influenced by several factors, including overcrowding, challenges in facility management, high capital renewal and labour costs in a unionised environment, the need for more effective prisoner programs, and concerns over the influence of prison officer unions on operations. The public prison system struggles to adapt to changing conditions, leading to the belief that private prisons could foster competition and establish new standards. According to Harding (1992), Contract management of prisons by private operators seems to be here to stay, a small but growing component of the total prison system. Its impact has so far been positive, in terms of costs, conditions and prisoner programs. The prison system is becoming more open as the dominance of uniformed officers is challenged and middle managers respond to competition. Key pitfalls have been avoided both in legal frameworks and practical implementations. While there have been recent improvements in the public prison system, these should not be solely attributed to privatisation, as a new generation of Australian prison administrators was already committed to reform. However, the process of creating management contracts through privatisation forces correctional authorities and governments to clearly define their objectives and desired outcomes. In the jargon of economics, the process of imprisoning people starts to become 'output-based' rather than 'input-based'. The public prison system has often

become stagnant and lacked momentum due to its primarily input-based structure. However, with proper scrutiny and regular evaluation, private prisons can drive improvements throughout Australia's entire prison system. Historically, Australia's system, existing for two centuries as a wholly public entity, has faced similar issues of squalor, oppression, inequity, degeneration, and demoralisation as the English system it was modelled after.

4.2 America

Private prisons made a significant return in the U.S. during the early 1980s with the founding of the Corrections Corporation of America (CCA) by Thomas Beasley, Doctor R. Crants, and T. Don Hutto. This company, the world's first private prison operator, aimed to run prisons for profit, a concept that was rare before this time. The surge in incarceration rates, driven by President Reagan's War on Drugs policies, led to overcrowding in public prisons, prompting the rise of private facilities. The CCA claimed it could manage larger prisons with fewer staff, relying on electronic surveillance, and designed its operations to be more cost-effective. As arrests for drug offences increased, the number of private prisons grew from five in 1998 to 100 by 2008, resulting in a 500% profit increase for the CCA, which is now known as CoreCivic. Inmates in these facilities often work to produce goods for sale, but many legislators criticise private prisons for creating perverse incentives that hinder rehabilitation and delay meaningful sentencing reforms. Lock-up quotas in private facilities require a minimum inmate count, risking penalties for underperformance. A Justice Department review concluded that private prisons were more dangerous and less effective at reforming inmates than public facilities, leading to the Obama administration's efforts to phase out private contracts. However, this directive was reversed under President Trump in 2017, coinciding with tougher immigration and drug policies. Private prisons also operate numerous immigration detention facilities under the Department of Homeland Security, often excluded from official Bureau of Justice Statistics reports (Criminal Justice Programs, 2025).

4.3 Africa

Before colonial times in Africa, there was no local tradition of using imprisonment as a punishment. The reason is that it didn't make sense economically or culturally to lock up young men who could contribute to society, leaving them and their families as a burden (Encyclopaedia Britannica, 2025). According to the Open Society Foundation: South Africa (2003), the increase in the prison population after 1993 put immense pressure on the system, leading to global criticism over overcrowding, corruption, and violence within prisons. To address these issues, the government pursued prison privatisation. A report in 2003 (National Audit Office, 2003) concluded that the use of private prisons is neither a guarantee of success nor the cause of inevitable failure. There is a more fundamental issue that exists in developed as well as in developing countries. The real issue is not about whether private prisons are cheaper than public ones, nor whether they are managed more effectively and efficiently. The fundamental change that has come about with the introduction of privatisation is the concept of prison as a 'marketplace' and a business that will inevitably expand. Private prisons have been introduced as a short-term response by governments to rising prison populations, a shortage of prison places and limited public funding to maintain existing prisons and build new ones. As a result, the financial and social costs of an increasing use of imprisonment have not been subject to public scrutiny (Coyle, 2008).

4.4 United Kingdom

During the early 1990s, the British government began relying on the private sector to provide additional prison places to address overcrowding and spread the costs of incarcerating offenders. Currently, in England and Wales, there are 14 prisons operated by private companies such as G4S Justice Services, Serco Custodial Services, and Sodexo Justice Services. These companies own prisons that hold 14.5 per cent of the prison population. Scotland also has two private prisons, housing 16.5 per cent of Scottish prisoners. The growth of private prisons in the UK has led critics to question the effectiveness and justification for using company-run prisons compared to state-owned ones.

A 2019 analysis of UK prison data found that private prisons are more dangerous than public ones, with 701 assaults per 1,000 prisoners compared to 493 in state-owned prisons. This 42% higher rate raises concerns about whether the lower costs of private prisons are worth the increased violence. Additionally, private prisons have been more prone to overcrowding than public ones over the last 17 years. Critics argue that it is morally wrong for private companies to profit from incarceration and question the appropriateness of outsourcing punishment. Despite these issues, the UK government plans

to continue privatising prisons in England and Wales to manage its rising prison population (Damji, 2022).

4.5 New Zealand

In New Zealand, prison privatisation is regulated by the Corrections (Contract Management of Prisons) Amendment Act 2009. Currently, only one prison is privately managed. Another prison was previously under private management but was brought back under government control in 2015 due to allegations of mismanagement (Kennedy, 2016). Overcrowding was a major driver, and as in other jurisdictions, prison privatisation suited New Zealand's "move towards state corporatisation and the laissez-faire economics that had commenced in New Zealand in the 1980s" (Newbold, 2007). Currently, the Auckland South Corrections Facility is the only prison under contract management in New Zealand. The Chief Executive of Corrections is ultimately responsible for the prisoners and receives regular reports on the facility's performance. While Serco manages the operations at this prison, SecureFuture has been contracted to design, finance, build, operate, and maintain the facility. Although Serco's staff operate the prison, the Chief Executive of Corrections maintains responsibility for the prisoners. Serco coordinates with the wider justice sector, similar to public prisons, ensuring their management aligns with the overall corrections system. The contract with Serco mandates that they meet or exceed the safety standards of public prisons and comply with New Zealand laws, including health, safety, and employment regulations. Public and staff safety remains a top priority (New Zealand Department of Corrections, 2025).

V. ADVANTAGES OF PRISON PRIVATISATION

5.1 Privatising prisons can reduce prison overpopulation, making the facilities safer for inmates and employees. Overcrowding is persistent across many countries. It is often associated with violations of human rights, including, among others, the right to be free from torture and ill-treatment, the right to health, and the right to liberty and security (PubMed, 2024). According to Austill Stuart (2017), as governments at every level continue to face financial pressures and challenges in delivering basic services, contracting with private companies provides a tool that enables corrections agencies to manage costs better, while also delivering better outcomes. Performance-based contracts for private prisons, especially contracts tied to reducing recidivism rates, have the possibility of delivering significant improvements that, over the long term, reduce the overall prison population and help those who are released from jail stay out for good (Reason Foundation, 2025). Private prisons can offer an alternative to overcrowded, underfunded, and overburdened government prisons by removing prisoners from overpopulated facilities. As the prison population decreases, so too will the dangers correlated with overcrowding (Stuart, 2017).

5.2 Private prisons can transform the broken government-run prison system**.** America does not use performance-based contracts. However, Australia and New Zealand are experimenting with these models. Two relatively new private prisons have contracts that give them bonuses for doing better than government prisons at cutting recidivism. They get an even bigger bonus if they beat the government at reducing recidivism among their indigenous populations. Moreover, prison companies are charged for what the government deems as unacceptable events like riots, escapes and unnatural deaths. By implementing these kinds of contracts, "the private sector was responsible for designing the solution that would achieve the desired social outcome," explains the Beeck Centre for Social Impact and Innovation at Georgetown University. According to Oliver Brousse, "The prison is designed for rehabilitation. The strength of these public-private partnerships is that they bring the best practices and innovation from all over the world, allowing local authorities to benefit not only from private capital but also from the best people and best practices from other countries" (Brennan Centre, 2025).

5.3 Private prisons offer innovative programs to lower the rates of re-imprisonment. GEO Group, Inc., the American private prison conglomerate, offers individual treatment plans, drug abuse education and treatment, adult education GED (general educational development) courses, life skills courses, parenting and family reintegration, anger management, and work readiness vocational skills. The programs are offered as in-custody, residential, and non-residential options, allowing people access to the programs while in prison, out on parole or probation, or post-prison while reintegrating into their communities (GEO Group 2025).

5.4 Rehabilitation initiatives prevent recidivism. A New Zealand prison operated by Serco, a British company, has men make their meals, do their laundry, schedule their own family and medical

appointments, and maintain a résumé to apply for facility jobs. The prison also responds to the job market—for example, opening cafés to train the men as baristas. Another prison in New Zealand includes a cultural centre for Maori inmates, designed to reduce recidivism among Indigenous populations (Serco, 2025). Programs that focus on inmate re-entry into society and deal with drug abuse and other problems can lower recidivism rates, which in turn can reduce prison populations and lessen overcrowding and related dangers (Encyclopaedia Britannica, 2025).

VI. DISADVANTAGES OF PRISON PRIVATISATION

6.1 Understaffing, lower training, poor safety standards: Private prisons paid staff $0.38 less per hour than public prisons—$14,901 less in yearly salaries—and required 58 fewer hours of training prior to service than public prisons, leaving staff members less prepared to do their jobs, which contributed to a 43% turnover rate, as compared to 15% for public prisons. Several private prisons have been fined for understaffing and leaving too few guards to maintain order in the facilities (Blakely & Bumphus, 2004). Ivette Feliciano, PBS NewsHour Weekend producer and reporter, explained that a report from Michael Horowitz, the U.S. Justice Department's inspector general, found that per capita, privately-run facilities had more contraband smuggled in, more lockdowns and uses of force by correctional officers, more assaults, both by inmates on other inmates and by inmates of correctional officers, more complaints about medical care, staff, food, and conditions of confinement, and two facilities were housing inmates in solitary confinement to free up bed space. The findings also highlighted chronic understaffing as the root of many problems (Davis, 2021).

6.2 Mixed financial cost-effectiveness: In Arizona, a 2011 audit found that medium-security state inmates cost 8.7% less per day (between $1,679 and $2,834 per inmate) than those at private prisons. Even a 1999 meta-study of prisons concluded that "private prisons were no more cost-effective than public prisons" (Oppel, 2011). Furthermore, private prisons often charge governments for empty prison beds, resulting in excess costs for the governments (Feliciano, 2017).

6.3 Examples of abuse, neglect, and inadequate monitoring: In Australia, the UK, the USA, and other countries, state authorities are increasingly turning to private corporations to operate correctional facilities. Plans have been announced to extend this approach to Africa, Asia and Latin America. The experience in the USA suggests that the record of private operators is uneven in the treatment of prisons and prisoner conditions, including adherence to the UN Standard Minimum Rules for the Treatment of Prisoners. Governments may fail to exercise appropriate monitoring and oversight. There have been troubling cases of rampant and flagrant mistreatment (e.g. beatings, excessive use of force or chemical agents, sexual misconduct, and unsanitary conditions) undetected by government agents, or leading to no action (UIA Encyclopaedia, 2025).

6.4 Profit motives conflict with prisoner welfare: Opposition to the concept of private prisons is often ideological. Some claim that not only is the concept of prison care antithetical to the notion of commercial business, but that it was morally inappropriate to profit from the punishment of offenders. This is the approach of the Prison Officers Association, which launched a campaign 'Prisons are not for Profit'. The union believes that private prisons tend to operate with lower staffing levels in order to maximise profit and that this inevitably leads to less security in prisons (Politics.co.uk, 2025). The idealist could ascribe the satisfactory performance of private prisons to the power of market incentives; the cynic could point out that, given the public prisons' history and patchy present, private prisons perform satisfactorily compared to a relatively low baseline. Each would be right because public prisons are not the most accountable of government systems; under certain circumstances, private prisons may be more accountable. In a qualified community context, the Supreme Court decisions on Richardson v. Mc Knight (1997) and Correctional Services Corp. v. Malesco (2001) have held private prisons to at least as high a standard of constitutional protection as public prisons (Volokh, 2002). Researchers at Louisiana State University compared three prisons, one public and two private. It is found that the two private prisons significantly outperformed the public prison on the vast majority of measures used to compare the three prisons. However, the public prison outperformed the private prisons in several areas. The two main types of prison organisation and management were both safe and effective if they were private. Findings suggested that private prisons have a definite place in any State's total prison system, but no State should completely privatise its prison system or contract with any single vendor (OJP, 2025).

6.5 Legal rejection by Israeli Supreme Court (2009): In 2009, the Israeli Supreme Court handed down an eight-to-one judgment finding that private prisons were unconstitutional per se. The Court determined that, regardless of any empirical evidence presented, private management of prisons infringes on the human dignity of inmates, as protected under the Basic Law. All eight majority judges agreed on one key point: "an inmate has the right not to be subjected to the use of coercive measures by employees of a private, for-profit corporation." Additionally, Justice Procaccia highlighted that outsourcing prison management inherently carries a risk of unjustified force, as summarised by Professor Barak Medina. This risk is significant enough to classify privatisation as a violation of prisoners' rights, protecting them from unjustified use of force or humiliating treatment by prison guards. However, Justice Levy dissented, criticising the majority's judgment as "addressing a situation that has not yet occurred"(Kennedy, 2016).

6.6 Criticised for the Conflict between the motives of the Government and companies: The most pointed criticisms levelled at private prisons concern their record in upholding prisoners' rights. Reports of mismanagement, prisoner mistreatment and human rights violations are rife across jurisdictions (Nassar & Newman, 2013). Most human rights critiques focus on the inherent conflict between the objectives of private companies —cutting service costs in order to maximise profits — and one of the objectives of penal administration: administering the State's most coercive power with regard for prisoner welfare. The OECD concluded in 1994 that "the conflict between the profit motives of the companies and the social objectives of government is virtually impossible to reconcile in a contract (Havens, 1994). Researchers at Louisiana State University conducted a comparison of three prisons: one public and two private. The findings revealed that public prisons had significantly better outcomes, including zero escapes and fewer aggravated sexual offences. Additionally, public prisons more effectively controlled substance abuse among inmates and consistently provided a wide range of educational and vocational programs over four years. They also offered more comprehensive treatment, recreational activities, and rehabilitative services for inmates (Archambeault & Deis, 1996).

VII. JEREMY BENTHAM'S VIEW ON THE PRIVATISATION OF PRISON

In the context of the privatisation of prisons, Jeremy Bentham's view assumes importance. The first proponent of contracting for corrections was Jeremy Bentham. He believed that punishment should be as economical as possible. Violence of an excessive nature meted out to the prisoners would not only be ineffective but would also prove unscientific in the correction process. It would amount to a counter-crime committed by the authority of law. Following his predecessor, Beccaria, Bentham opined that while man had failed to comprehend the harmony of moral bodies (Bentham, 1970). He also said that when a prison, which is meant for a penal institution, is commercialised, it risks the misuse of power, leading to the use of prisoners for labour for reasons not recognised by law. In support of prisoners' labour, the words of Jeremy Bentham are worth noting. In the 1791 Postscripts, Bentham wrote: "I see no use in making labour either odious or infamous. To me, it would seem but so much the better if a man could be taught to love labour, instead of being taught to loathe it. Occupation, instead of being the prisoners' scourge, should be called, and should be made as much as possible, a cordial to them. Reward, not punishment, is the office you must apply to. Compulsion and slavery must, in a race like this, be ever an unequal match for encouragement and liberty; and the rougher the ground, the more unequal (Bentham, 1791)."

VIII. FEASIBILITY OF PRIVATISATION IN THE INDIAN CONTEXT

In India, privatisation of prisons is not practised in the strict sense as it is in other countries. However, it is similar to the model practised in France, where health care and vocational training are encouraged, invited, permitted, and practised in various jails, though not in contractual terms. In India, the Prisons Act 1894, which governed prison administration for over a century, was recently replaced by the Model Prisons Act, 2023. It aims to transform prisons into reformative institutions, emphasising rehabilitation, skill development, transparency, and the use of technology, among others. In 2014, based on the direction given by the Supreme Court, an expert committee was appointed to revamp and update the Model Prison Manual of 2003. In 2016, the new draft was finalised, which was made uniformly applicable to all prisons in India to date. However, no provision specifically provides for the privatisation of prisons. It is to be mentioned that the framers of The Model Prison Manual of 2016 were guided by the provisions of the Constitution of India, directions given by the Supreme Court through various judicial pronouncements and the international commitments (Model Prison

Manual, 2016). It can also be argued that privatisation is to a certain extent practised in Indian prisons, because the prison policies allow the private entities an opportunity to contribute to the reformation of prisoners through health care measures and vocational training for financial independence. This liberal policy of prison can be attributed to various reasons, including India's obligation as a member of various international instruments that support the human rights of prisoners, such as the UDHR and the Nelson Mandela Rules. The Indian judiciary, particularly the Supreme Court, in the recent past, has been very vigilant against violations of the human rights of prisoners. In T.V. Vatheeswaran v. State of Tamil Nadu, (1983), the Supreme Court has emphasised that "Articles 14, 19 and 21 are available to prisoners and freemen and that prison walls do not keep out Fundamental Rights." In Sunil Batra v. Delhi Administration (1980), the Court rejected the 'hands-off' doctrine and ruled that fundamental rights do not flee the person as he enters the prison. However, they may suffer shrinkage necessitated by incarceration. Our Constitutional culture has now crystallised in favour of prison justice and judicial jurisdiction. Where the rights of a prisoner, either under the Constitution or under other laws, are violated, the writ power of the court can and should run to his rescue. There is a warrant for this vigil. The court process casts the convict into the prison system, and the deprivation of his freedom is not a blind penitentiary affliction but a belighted institutionalisation geared to social good. The court has a continuing responsibility to ensure that the prison administration does not defeat the constitutional purpose of the deprivation. Therefore, the Constitution of India, which guarantees the fundamental rights of prisoners, also provides a remedy for its infringement by empowering the Supreme Court under Article 32 and the equivalent power granted to High Courts under Article 226. Another reason is that India, like many civilised states, has undergone a radical change in its approach to penology and punishment. Stressing upon the rehabilitation aspect of penology, the Hon'ble Supreme Court in Mohd. Giasuddin v. State of AP, (1977), held that the infliction of harsh and savage punishment is a relic of the past regressive times. Today, the humanitarian view is that sentencing is a process of reshaping a person who has deteriorated into criminality. The modern community has a primary stake in rehabilitating the offender as a means of social defence; hence, a therapeutic, rather than an "in-terrorism" outlook, should prevail in our criminal courts since brutal incarceration of the person merely produces laceration of his mind. As a result, prison laws and policies emphasise the reformation of an offender and his rehabilitation, which pave the way for private entities to participate alongside the government. No matter how many policies are made or the judiciary issues guidelines, the statistical reports consistently show that the government failed to address many problems, such as overcrowding, deteriorating health issues, violence, and violations of human rights, which are common grounds for introducing privatisation in other countries. The benefits of global practice can be considered for initiating partial privatisation in India. The question is whether the government is willing to allow private entities to take over prison management to a certain extent. If so, it implies that policies must be in place to prevent the risk observed in various countries' privatisation practices from being repeated.

IX. CONCLUSION

In conclusion, the privatisation of prisons raises important questions regarding human rights, efficiency, and management in correctional systems. This study answers the question that privatisation itself, whether partially or wholly, does not contradict the Human rights of prisoners as long as it is guided by the Human rights principles mandated by the International Human rights standards, the constitutional laws of each nation and the statutory policies of the jurisdiction in which it is introduced. While this trend has emerged in response to overcrowding and fiscal pressures, it also poses significant risks to the dignity and rehabilitation of inmates. International human rights standards emphasise the state's responsibility to ensure humane treatment, which the profit motives of private prisons could compromise. Case studies from countries like the USA, Australia, and the UK reveal both potential benefits and serious drawbacks, including understaffing and abuse. In India, the move towards a more rehabilitative prison system aligns with global standards but requires scrutiny to introduce privatisation in management. Any shifts in prison management must prioritise the rights and well-being of inmates, ensuring reforms foster rehabilitation rather than replicate the challenges seen elsewhere. To ensure the success of the private prison model, the establishment of clear policies, robust monitoring mechanisms, and an unwavering commitment to human rights is imperative. The primary objective must be the creation of a just and dignified prison system that prioritises rehabilitation, safeguards individual rights, and serves the broader interests of society. While the degree of involvement permitted to private entities will inevitably vary according to the constitutional

and legal frameworks of each jurisdiction, the protection of prisoners' human rights, as enshrined in international law, must remain inviolable and non-negotiable.

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