



Human Rights Of Prisoners In India And The Role Of The Supreme Court: A Critical Analysis

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Abstract

Institution of prison is a mechanism used for punishing convicts and detaining offenders waiting trial and is an integral part of criminal justice system. With the advancement of the humanitarian movement the concept of prisons and the prison system from mere facilitator for the exclusion and segregation of Criminal offenders has been transformed into reformatory and correctional institutions. Originally, prisons were used only to detain criminals until their trials began and to house inmates for the duration of their sentences now focus is on psychological treatment of the offender to reform the criminal thought of the convict and to help him to return back into society. The essay is an analysis of the evolution of the prison system in India from ancient to modern time in the light of contemporary humanitarian movement, highlighting the pivotal role of the Supreme Court of India in safeguarding inmates' human rights through the interpretation and expansion of fundamental rights enshrined in the Constitution of India, thereby developing a comprehensive jurisprudence of prisoners' rights. This paper endeavors to study the landmark judgments of the Supreme Court of India, considering the profound sensitivity surrounding the human rights issues related to prisoners, including the torture of detainees, the disappearance of suspects, and the prolonged detention of under-trials without trial.

Key words: Prisoners, Punishment, Rehabilitation, Supreme Court, Humanities.

1.1 INTRODUCTION

In the Indian criminal justice system, the prison and prisoner enshrine a crucial role reflecting the growth of societal values, legal frameworks, and governmental policies pertaining to crime and punishment. Traditionally, prisons were considered solely as places for confinement of detainees; however, there has been a substantial change towards embracing correctional purposes. This transition highlights the significance of rehabilitation and the reformation of convicts, harmonizing with the values of human rights. The researcher's work critically explores the influence of these human rights standards on the prison system and the treatment of convicts. It demonstrates the development of prisons from only acting as temporary holding facilities to becoming institutions focused on convicts' rehabilitation and their reintegration into society.

With the growing awareness of humanitarian principles, in nineteenth century people become more conscious about the dignity of the person being a human, each person irrespective of their cast, creed religion, sex and nationality is entitled to a set of universal, unalienable, inherent and basic rights and freedoms which are very basic for living life with status and human dignity and are applicable to all people, regardless of their situation. Human rights are fundamental and essential to living a decent life and fully participating in society; they are not reliant on any state. They are usually protected by a number of national and international laws and represent both moral demands and legal rights. The United Nations states that all people are born with human rights, which include a broad range of safeguards such as the freedom from slavery and torture, the right to life and liberty, and the rights to labor, education, speech,

and opinion. The International Bill of Human Rights is made up of the International Covenant on Civil and Political Rights (ICCPR) and the Universal Declaration of Human Rights (UDHR). The main objective of human rights is to guarantee that every person may live in freedom, equality, fairness, and dignity while also holding governments responsible for their deeds, so fostering a fair and just world community.¹

1.2 OBJECTIVE OF THE STUDY

The purpose of the study is to assess how the concept of human rights changes the way of looking at prisoners in India. To critically analyze the role of Supreme Court in expanding the fundamental rights of the Constitution of India to provide to the prisoners certain rights that are very cardinal and essential to live a life with dignity as a human being even during incarceration.

The rights that prisoners can claim for their protection during their stay in prison and the flaws of prison administration.

1.3 METHODOLOGY

The present study adopts a doctrinal research technique to investigate the human rights of inmates in prisons in India. It seeks to improve knowledge of the circumstances encountered by the incarcerated population by offering a comprehensive examination of complex problems encountered by prisoners including overcrowding, recidivism rates, and related data.

2.1 PRISON SYSTEM IN INDIA

Prisons in India have traditionally been characterized by a dungeon-like pit, with many being located in decaying nineteenth-century depleted structures. The legal framework of the prison system was primarily governed by the Prison Act of 1894, a relic of British colonial rule, which was enacted with strong focus on the principles of deterrence and strict discipline within the prison and absolute denial to the notion of correction or reformation. It continued to serve as the primary legal framework in the post-independence era also, along with the Code of Criminal Procedure of 1898 and the Indian Penal Code of 1860. This approach was epitomized by the T.B. Macaulay's Prison Discipline Committee of 1838, which advocated for "strict treatment" with little regard for humanitarian considerations, thus establishing a system concerned with management, prison offenses, and punishment over inmate welfare.

2.2 THE CONCEPT OF HUMAN RIGHTS

The concept of human rights as universal principles are intrinsic to all persons, regardless of their circumstances, highlighting that even prisoners maintain inalienable rights important for human dignity. These rights are not merely moral concepts but are also protected by local and international laws. The preamble of the Universal Declaration of Human Rights argues that respecting the dignity and rights of all human beings is vital for freedom, justice, and peace. The United Nations has set basic guidelines for the treatment of prisoners that urge for their respect and acceptance as human beings. These principles indicate that prisoners should be treated without prejudice and should have human rights and basic freedoms, except the right to freedom of movement.

In January 1978, the U.S. Department of State has released an official U.S. Government definition of Human Rights:

"Freedom from arbitrary arrest and imprisonment, torture, unfair trial, cruel and unusual punishment, and invasion of privacy, right to food, shelters, health care, and education; and freedom of thought, speech, assembly, religion, press movement and participation in government."

The definition is given keeping in view the provisions of international conventions relating to human rights. It is a functional definition and touches all the aspects of human rights, which are necessary for the full development of human personality.

Following World War II, the growth of human rights groups in the nineteenth century signaled a dramatic shift in the criminal justice system.² This brought new concepts to penology, encouraging the development of penitentiary services, education, and aftercare, all while retaining disciplinary control and admitting the restriction of civil freedoms for those condemned. The developing principles of humanity have switched the emphasis from retribution to reformation and social rehabilitation of criminals, indicating a significant shift in the philosophical approach to crime and punishment.

¹ United Nations. (1948). Universal Declaration of Human Rights. https://www.ohchr.org/sites/default/files/UDHR/Documents/UDHR_Translations/eng.pdf

² Agrawal, R. (2023, November 9). HISTORICAL EVOLUTION OF PRISON SYSTEM IN INDIA. Jus Scriptum. <https://www.juscriptumlaw.com/post/historical-evolution-of-prison-system-in-india>

Post-independence, India witnessed a gradual shift in penological philosophy, moving from purely punitive measures towards a rehabilitative model. Early reform efforts, such as those by the All-India Jail Manual Committee of 1952, sought to incorporate social workers and psychologists, offer vocational training, and enhance medical treatment for inmates. The Mulla Committee in the 1980's further advanced this evolution by proposing 658 recommendations across all aspects of prison management, articulating a vision where imprisonment serves not only punishment but also the reformation of offenders into productive citizens. Despite this philosophical evolution, a comprehensive new legal framework to institutionalize these rehabilitative ideals was never fully implemented. Outdated deterrent-based legal framework has necessitated active judicial intervention to bridge this gap and propel prison reform initiatives.

3.1 INTERNATIONAL HUMAN RIGHTS STANDARDS AND THE PRISON SYSTEM

The global humanitarian movement, especially the Universal Declaration of Human Rights (UDHR), has had a major impact on progressive improvements in jail management. This proclamation represents a significant change in the understanding of people's basic rights, including those who are incarcerated. Human rights are considered as innate rights and are essential, indefeasible and sacrosanct to live with dignity and are universally belong to every individual, regardless of their circumstances. According to the UN, human rights include the freedoms of thought, speech, employment, and education in addition to the rights to life, liberty, and protection from slavery and torture. The UDHR's preamble highlights its goal, which is to uphold the equal rights and inherent dignity of every member of the human family as the cornerstone of world freedom, justice, and peace. No one should lose their inherent dignity or human rights, regardless of their circumstances, according to this unwavering dedication to human dignity.³

The Universal Declaration of Human Rights (UDHR) contains specific prohibitions that forbid torture and cruel, inhuman, or degrading treatment or punishment. These articles also provide procedures for dealing with breaches of these rights. Article 6 emphasizes that everyone has the right to legal recognition, including the ability of prisoners to pursue legal action against cruel treatment such as handcuffing, flogging, and solitary incarceration. Furthermore, the statement guarantees protection against arbitrary imprisonment, arrest, or exile, requiring that such measures only take place when authorized by law and due process.⁴ Additionally, it reinforces the need for everyone to have liberty and personal security by guaranteeing an efficient recourse via national courts for abuses of basic rights embodied in legal frameworks.⁵

Learned Justice H.R. Khanna is of the opinion that the doctrine of natural law has a direct progenitor of the concept of human rights. Human rights although developed because of the doctrine of natural rights under natural law, it has originally evolved in the filled of domestic legislation as in Magna Carta (1215), Petition of Rights in 1628, the Habeas Corpus Act (1679), Bill of Rights (1689) and the Act of Settlement in England (1701) which are the milestones in the evaluation of liberty. International Law provides a "golden standard" for treatment of detainees. Universal Declaration of Human Rights (1948) in Article 5 stipulates that no one shall be subject to torture or to cruel, inhumane, degrading treatment. The Nelson Mandela rules updated by United Nations in 2015 are the most comprehensive guidelines for prison management. It contains comprehensive guidelines from healthcare and hygiene to the position of solitary confinement. The Bangkok Rules, on the other hand provides particular safeguards to the female inmates according to their particular medical, dietary and psychological requirement, especially in relation to pregnancy and child care during incarnation.

The United Nations Standard Minimum Rules for the Treatment of Prisoners outlines specific rights for prisoners, which include the segregation of different categories of inmates, provisions related to their clothing and medical treatment, and prohibitions against cruel and inhumane punishments, including corporal punishment and placement in dark cells. Additionally, inmates have the right to keep touch with their family. In current situations, the international human rights community remains very vigilant that prisoners do not lose their basic rights, excluding those restricted by legitimate imprisonment. Various international human rights documents, like the International Covenant on Civil and Political Rights (ICCPR), accentuated humanitarian attitude to detainees, emphasizing that no person should be subjected to torture or cruel, degrading, or humiliating treatment. Furthermore, the Standard Minimum Rules reaffirm broad provisions safeguarding inmates' rights regarding their care, housing circumstances, and

³ Youth for Human Rights. (2011). United Nations Universal Declaration of Human Rights Summary: Youth For Human Rights Video. Youth for Human Rights. <https://www.youthforhumanrights.org/what-are-human-rights/universal-declaration-of-human-rights/articles-1-15.html>

⁴ United Nations. (1948). Universal Declaration of Human Rights. https://www.ohchr.org/sites/default/files/UDHR/Documents/UDHR_Translations/eng.pdf

⁵ "No one shall be subjected to torture or other forms of cruel inhuman or degrading treatment" – Time to honour the promise of the Universal Declaration on Human Rights | APT. (2018). Wwww.aprt.ch. <https://www.aprt.ch/news/no-one-shall-be-subjected-torture-or-other-forms-cruel-inhuman-or-degrading-treatment-time>

family contact.⁶

United Nations fundamental principles for the treatment of prisoners constitute a key milestone in campaigning for the rights and dignity of prisoners. These principles support the belief that all convicts should be treated equally, without any kind of prejudice, particularly for their inherent dignity as human beings.

This humanitarian viewpoint indicates a fundamental change in attitude, towards the conditions and circumstances that drive people to commit crimes rather than just criticizing the criminals for their conduct. This trend has affected policy changes at the governmental level, resulting to the progressive eradication of harsh punitive methods such as death penalty, corporal punishment, and torture. Instead, there has been a deliberate attempt to replace them with more humane custody prioritizing the preservation of the legal and human rights of inmates, in addition to their rehabilitation and social reintegration.

In India being the signatory to these international covenants and treats have to comply to the principles enunciated in these documents and require to implement within the country. This humanitarian movement has substantially influenced the prison administration and the treatment of inmates, who are now under guaranteed protections via a solid framework of constitutional, legislative, and judicial safeguards. On the other hand, the continued reliance on the colonial-era Prisons Act, 1894 rooted in deterrent principles, created a substantial legal and philosophical void. Evidence of this unaddressed legacy is seen in the persistence of discriminatory practices, such as caste-based labor and segregation, even in contemporary times. Consequently, this fundamental conflict between modern rehabilitative aspirations and an outdated deterrent-based legal framework has necessitated active judicial intervention to bridge this gap and propel prison reform initiatives.

The prison system functions under state control being a state subject, resulting in a range of rules and regulations that regulate prison care across various jurisdictions. This holistic approach represents a rising realization of the need for humane treatment within the correctional system and concentrates more on the significance of rehabilitation of the convicts as well as under trials.

4.1 THE CONSTITUTIONAL IMPERATIVE: THE BEDROCK OF RIGHTS

The Indian Constitution is characterized as a transformative document that ensures fundamental rights to all individuals, irrespective of their status, including those who are incarcerated. The Supreme Court of India has unequivocally affirmed that a prisoner, whether a convict or an under trial, does not cease to be a human being, so retains their fundamental rights unless their freedoms has been constitutionally curtailed as a necessary consequence of their incarceration. The Indian judiciary has effectively utilizing articles of the Constitution construct and evolve a robust jurisprudence regarding rights of detunes.

Primarily, Article 21, which upholds the Right to Life and Personal Liberty, serves as the most significant safeguard. The Supreme Court has adopted a broad and expansive interpretation of "life," asserting that it encompasses the right to live with human dignity. This interpretation extends to ensuring protection against cruel, inhuman, or degrading treatment and punishment. The landmark judgement in *Maneka Gandhi v. Union of India*⁷ Supreme court underscored that any legal procedure affecting an individual's life or liberty must adhere to principles of being "just, fair, and reasonable," prohibiting arbitrary actions. This judicial standard has become central to the oversight of prison practices.

Article 14, guaranteeing the Right to Equality and equal protection of the laws, has been instrumental in addressing systemic discrimination within prison environments. A recent Supreme Court judgment invoked this article to mandate the eradication of caste-based discrimination in prison administration. This included challenging practices such as the segregation of barracks and differential work allocation that had been previously sanctioned by outdated prison manuals, thereby ensuring equal treatment for all inmates.

Furthermore, Article 22, providing Protection against Arrest and Detention, outlines specific procedural safeguards applicable at the point of arrest. These include the right to be informed of the grounds for arrest and the right to consult a legal practitioner of one's choice. The Supreme Court has consistently affirmed these rights as integral components of a fair legal process.

Additionally, Article 39A, although categorized as a Directive Principle of State Policy, has been judicially elevated to the status of a fundamental right implicit within Article 21. This principle mandates the state's responsibility to provide free legal aid to individuals who, due to poverty or other disadvantages, cannot afford legal representation, thereby ensuring equal access to justice for all.

⁶ Hughes, G. (2011). THE CONCEPT OF DIGNITY IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS. *Journal of Religious Ethics*, 39(1), 1–24. <https://doi.org/10.1111/j.1467-9795.2010.00463.x>

⁷ AIR 1978 SC 597, (1978) 1 SCC 248

Collectively, these foundational articles of the Indian Constitution have equipped the judiciary with the essential legal instruments to intervene in an area where legislative reform had historically been slow. The pronouncements emanating from the judiciary have been credited with transforming the prison system from one primarily focused on punishment to a system that, at least in principle, is constitutionally obligated to respect the basic human rights and dignity of every individual under its custody.

5.1 THE SUPREME COURT AS THE ARCHITECT OF PRISON JURISPRUDENCE

The Supreme Court of India has significantly influenced prison jurisprudence through landmark rulings focused on protecting human rights and enforcing constitutional safeguards for inmates. By interpreting Articles 21 (Right to Life and Personal Liberty) and 14 (Right to Equality) of the Constitution, the Court has set important legal precedents regarding detention conditions, prisoner treatment, and rehabilitation. A key aspect of its rulings is the affirmation that incarcerated individuals retain their fundamental rights, leading to prohibitions on inhumane treatment and mandates for correctional facilities to uphold a dignified living standard. Additionally, the Court has advocated for systemic reforms, pressing the government to safeguard prisoners' physical and mental health. Through Public Interest Litigations (PILs), it has sparked dialogue on issues such as prison overcrowding, the need for reforms, and the importance of transparency in correctional management. The Supreme Court has thus become a pivotal force in shaping policies to foster a humane and rehabilitative correctional environment, reflecting its dedication to justice and the rule of law.

5.1.1 Rejecting the "Hands-Off" Doctrine: The Foundational Shift

For a considerable duration, the Indian judiciary, much like its global counterparts, maintained a largely detached and non-interventional approach towards prison administration. This prevailing judicial attitude was rooted in the perception that courts lacked the specialized expertise and the requisite legal authority to oversee the day-to-day operations of correctional institutions. Consequently, a considerable respect was afforded to the opinion and practices of prison officials. This stance of judicial abstention effectively created a protected atmosphere inside the jail, shielding their internal operations from critical external scrutiny, which in turn unfortunately facilitated the proliferation of abuses and the perpetuation of inhumane conditions and denial of minimum human rights standards. The Indian prison jurisprudence underwent a significant shift with the landmark judgment delivered in the case of *Sunil Batra v. Delhi Administration*⁸ in 1978. Notably, this pivotal legal challenge did not originate through a traditional appellate route, instead, Court protectively act on a powerful, letter addressed to a Supreme Court judge by Sunil Batra, an inmate, at Tihar Jail. The letter detailed harrowing accusations of severe torture inflicted upon a fellow prisoner by a prison warder. The Supreme Court in a significant move closed to elected to treat this inmate's letter as a formal writ petition and subsequently initiated habeas corpus proceedings. This action represented a significant assertion of judicial power and a clear declaration of the Court's intent to actively address issues inside the prison system. The Supreme Court unequivocally rejected the long-standing "hands-off" doctrine which imbibed in their early approach. The Court emphatically ruled that fundamental rights are not forfeited to a person upon their entry into prison; rather, these rights are restricted to the extent required strictly by the condition of incarceration. By accepting and acting upon an inmate's personal letter, the Court established a crucial and far-reaching way for judicial supervision. This critical step signaled the end of the immunity of penal system within prison from constitutional scrutiny, marking a fundamental reorientation from a passively subsequent judicial system to one that actively enforces the rights of incarcerated.

5.1.2 Upholding the Right to Dignity and Humane Treatment

The Supreme Court has progressively widened the scope of prisoners' rights through a series of landmark judgments. In *Sunil Batra v. Delhi Administration*⁹, the Court moved beyond establishing judicial intervention principles to directly confront inhumane treatment. It ruled that Section 30(2) of the Prison Act, which allows solitary confinement, could not be used as a form of torture, and strongly opposed "bar fetters", observing that continuous fettering reduced a prisoner from human to animal and violated Article 21 of the Constitution. This judgment upheld the right of all prisoners to dignity and respect. Subsequently, in *D.K. Basu v. State of West Bengal*¹⁰ (1997), the Supreme Court extended the principle of humane treatment from correctional institute to the arrest location and police custody. Deeply concerned by custodial torture and police brutality, the Court issued a comprehensive set of mandatory guidelines for police during arrest and interrogation. This ruling reiterated that Article 21 of the Constitution guarantees

⁸ 1978 AIR 1675

⁹ Ibid

¹⁰ AIR 1997 SC 610

the “right to life and personal liberty” envelopes the protection against state-inflicted torture and assault, thereby providing critical procedural safeguards and legal recourse for victims of custodial violence. The case of *Sheela Barse v. State of Maharashtra*¹¹, initiated on the basis of a journalist's letter, which specifically focused on custodial violence against women. The Court issued stringent directives to protect female inmates, restricting that searches be conducted exclusively by female officers with utmost decency and that Judges shall conduct surprise visits to prisons, underscoring the Court's commitment to safeguarding vulnerable populations within the prison system. More recently, in *Sukanya Shantha v. Union of India*¹², the Supreme Court directly challenged the discriminatory colonial underpinnings of prison administration. It declared caste-based discrimination, occupational segregation and the classification of inmates from de-notified tribes as “habitual offenders” as oppressive and violating the fundamental right to dignity. The Court rejected the state's justifications for segregation, which reflected “separate but equal” arguments, and ordered the removal of all caste based discriminations from prison records and manuals, actively out writing historical remnants of the prison system. Collectively, these judgments demonstrate a clear evolution of judicial thought, moving from broad philosophical declarations and the affirmation of basic human dignity to the articulation of detailed, prescriptive guidelines for state functionaries, and ultimately culminating in the decentralization of the ideological underpinnings ideological of the penal system.

5.1.3 Ensuring a Speedy Trial and Access to Justice

The Indian penal system is characterized by a substantial over representation of undertrial prisoners, who constitute the majority of the prison population. This sensitive issue was first drawn to the notice and judicial attention through the landmark Public Interest Litigation case of *Hussainara Khatoon v. State of Bihar*¹³. This case critically exposed the plight of thousands of undertrial prisoners who had been languishing in jail for durations that often exceeded the maximum potential sentences they could have received upon conviction, constituting a severe violation of their fundamental right to liberty. The Supreme Court, in its judgment, unequivocally established that a “speedy trial” is an “integral and essential part” of the fundamental right to life and liberty guaranteed under Article 21 of the Constitution.

The *Hussainara Khatoon* case¹⁴ acted as a profound catalyst, initiating a series of legal and policy reforms. The Court notably observed that a primary reason for the prolonged detention of prisoners, particularly those from economically disadvantaged backgrounds, was their limited access to legal representation. This critical observation directly talks about the constitutional mandate for free legal aid, which has since been codified in the Legal Services Authorities Act of 1987. This Act explicitly guarantees that any person in custody is entitled to free legal services, irrespective of their financial status, aiming to ensure equitable access to justice. More recently, the introduction of the *Bharatiya Nagarik Suraksha Sanhita (BNSS)*, 2023, represents a significant legislative effort to institutionalize the judicial mandate for speedy trials and to directly address the substantial undertrial population. The BNSS incorporates a crucial procedural innovation under Section 479(1). This section mandates the release of first-time offenders who have served one-third of their maximum sentence and other undertrial prisoners who have completed half of their sentence. The law places a specific and revolutionary responsibility on the Jail Superintendent to identify eligible prisoners and to make a formal application to the court for their release. This procedural reform is a direct consequence of decades of judicial advocacy and is designed to mitigate the profound social and human costs associated with delays in the justice system.

5.1.4 Right to life and dignity

The landscape of Indian jail jurisprudence experienced a colossal upheaval with the major seminal ruling handed in the case of *Sunil Batra v. Delhi Administration*¹⁵ in 1978 and *Charles Sobraj v. Superintendent, Central Jail, Tihar*¹⁶. Supreme Court maintained that convicts retain their essential human rights even within the limits of incarceration, broadening Article 21 of the Constitution providing the right to life and dignity to all persons, including those confined.

¹¹ AIR 1983 SC 378

¹² [2024] 10 S.C.R. 493

¹³ (1979) 1 SCC 93

¹⁴ Ibid

¹⁵ 1978 AIR 1675

¹⁶ AIR 1978 SC 1514

5.1.5 Right against torture and cruel treatment

The Supreme Court in *Sunil Batra v. Delhi Administration*¹⁷ has stressed the significance of the writ of habeas corpus in safeguarding persons from unlawful constraint on their liberty. Justice Krishna Iyer J. stressed that courts that put persons into prisons have obligation to secure freedom from torture administered to the detainee. The court also banned the systematic handcuffing of inmates as a constitutional obligation and established the division between classes of prisoners. It was decided that it is arbitrary and unreasonable to categorize inmates into 'B' class and ordinary class, since the law treats them equally. The court's judgment is an important step towards ensuring that detainees are treated properly and without fear of torture. According to the Court, "the treatment of a human being which offends human dignity, imposes avoidable torture and reduces the man to the level of a beast would certainly be arbitrary and can be questioned under Article 14."

5.1.6 Right of speedy trial:

The Supreme Court's landmark decision in *Hussainara Khatun v. State of Bihar*¹⁸ highlighted the right of under trials for a speedy trial. The Court determined that poor not getting access to legal counsel was a major factor for the undertrial languishing in jails without being tried, particularly those from economically disadvantaged families. This made Article 39A of the Indian Constitution necessary, and as a result, the Legal Services Authorities Act of 1987 was passed. This Act promotes equal access to justice by guaranteeing that people in detention, regardless of their financial situation, are entitled to free legal assistance. Expanding on these ideas, the *Bharatiya Nagarik Suraksha Sanhita (BNSS)*, 2023 brings a new concept that aims to address the substantial undertrial population and establish the court mandate for quick trials, in particular, Section 479 of the BNSS provides a significant procedural innovation that permits the release of other undertrial inmates who have served half of their term and first-time offenders who have served one-third of their maximum sentence. According to this statute, jail superintendents have a crucial responsibility to find qualified inmates and assist them in submitting their parole requests to the Supreme Court. Additionally, the Constitution's Article 21 right to a quick trial has been upheld by the Supreme Court at every level of the legal process, including investigation, inquiry, trial, appeal, revision, and retry.

5.1.7 Rights of Special Categories of Prisoners:

The legal system has concentrated on the unique requirements of vulnerable groups of prisoners. The Supreme Court has mandated that prisons be made "disabled friendly," guaranteeing that inmates with disabilities have access to facilities, proper medical treatment, and the assistive technology they need. These guidelines have been reaffirmed by the National Human Rights Commission (NHRC), which emphasizes that mentally ill people should not be imprisoned and are entitled to compensation if they are discovered in prisons during inspections.

5.1.8 Right against Solitary Confinement:

Solitary confinement originated in ancient punitive tactics for serious offenders in the Auburn and Pennsylvania prison systems. The legal implications of solitary confinement were prominently discussed in the Supreme Court case "*Sunil Batra v. Delhi Administration*," which assessed whether such detention for death-sentenced offenders violated their constitutional rights under Articles 14, 19, 20, and 21. The Court concluded that the lack of social interaction among inmates violated Article 21. Moreover, it confirmed that inmates condemned to death maintain their rights until all appeals are concluded, repudiating arbitrary detention methods. Subsequent judgments in instances like as "*Kadra Pabadiya v. Bihar*" and "*Kishore Singh v. Rajasthan*" underscored the need for procedural protections against the abuse of solitary confinement and instituted obligatory limitations contingent upon the individual circumstances of prisoners. The Supreme Court said that such measures must be limited to the most serious situations and used with legitimate reason, therefore upholding the dignity and rights of detainees in compliance with constitutional requirements.

5.1.9 Right against Handcuffing

In the case of *Prem Shanker v. Delhi Administration*¹⁹, 1980 SCC 526 Supreme Court brought the issue of constitutional validity of handcuffing. This was a PIL in which practice of handcuffing of individual in relation to Article 21 is brought into question and Justice V.R. Krishna Iyer's herein says that hand cuffing is first arbitrary, excessively severe, and unjustified due to its inherent inhumanity stating the act of handcuffing as inhuman and so unjustifiable and excessively severe and without proper procedure and unbiased supervision the use of 'iron' as a punishment is akin to employing zoological tactics and violate Article 21 of the Constitution.

¹⁷ 1978 AIR 1675

¹⁸ Ibid (1979) 1 SCC 93

¹⁹ 1980 AIR 1535, 1980 SCR (3) 855

5.1.10 Right against public hanging

With the growing awareness of human rights principles convicts are also granted this privileges. In the Attorney General of India v. Lachma Devi²⁰ case, the Supreme Court recognizes the right of prisoners to be free from public hanging, which is the most noteworthy fact in this respect. In this case, the Rajasthan High Court's bench decided to execute the death penalty by public hanging. The Supreme Court's three-judge panel denied the order concluding that it would be a barbaric practice and a breach of Article 21 of the Indian Constitution. The court additionally said that the Supreme Court would consider any jail manual that permits public hanging to be a violation of Article 21 of the Constitution.

5.1.11 Right of Compensation:

The Supreme Court has adopted "dynamic constitutional jurisprudence" a new aspect of judicial interpretation of individual liberty. This development raises important questions about the Court's jurisdiction to compensate victims of harassment and injustice, if happened during incarceration, especially against violation of Article 21, which protects the right to life and personal freedom. Prominent cases like as "Khatri V. Bihar",²¹ and "Rubul Sah V. State of Bihar",²² demonstrate the Court's readiness to address infringement of constitutional rights and provide compensation for injustices, including unjust incarceration. Cases like "Kewal Pati V. State of Uttar Pradesh"²³ and "Nilabati Behera V. State of Orissa"²⁴ highlight the need to protect prisoner's right and the state's responsibility for abuses in custody. The significance of the Supreme Court's role in providing justice under Article 21 is shown by these court rulings, which together maintain that inmates retain constitutional rights that deserve protection and redress when infringed. In State of Andhra Pradesh vs Challa Ramkrishna Reddy²⁵ Supreme Court rejecting the plea of the state claiming immunity under sovereign function has upheld the order of the High Court which awarded damage to the state for failing to establish and maintain jail.

5.1.12 Emerging Rights and Judicial Interpretation

The Supreme Court of India, through its consistent interpretation of Article 21, has significantly broadened the scope of prisoners' rights beyond mere physical safety and procedural fairness during trials. This expansive jurisprudence has addressed a spectrum of issues crucial to human dignity within the prison system.

Right to Family Life and Conjugal Visits: Indian courts have progressively acknowledged a prisoner's right to family life and privacy. The landmark judgment in Justice K.S. Puttaswamy v. Union of India established the right to privacy as a fundamental right under Article 21, encompassing personal intimacies and family life. Building on this, high courts in Punjab and Haryana and Madras have recognized the right of married prisoners to conjugal visits and to procreate via artificial insemination. Punjab has pioneered a formal conjugal visit scheme for inmates. However, a significant practical and legal challenge arises from the conflict between the mandated use of CCTV cameras (as per D.K. Basu to prevent custodial violence) and the prisoner's right to privacy, particularly in intimate settings like conjugal visits. This tension highlights the difficulties in implementing rights within an overcrowded prison system where security is paramount and a legislative framework to balance these competing rights is absent.

Rights of Special Categories of Prisoners: The judiciary has also focused on the specific needs of vulnerable inmate populations. The Supreme Court has directed that prisons must be made "disabled friendly," ensuring prisoners with disabilities receive accessible facilities, adequate healthcare, and necessary assistive devices. The National Human Rights Commission (NHRC) has reinforced these directives, stressing that mentally ill individuals should not be incarcerated and are eligible for compensation if found in prisons during inspections.

The Supreme Court's interpretative approach to fundamental rights has been the principal driver of prison reform in India. The text indicates that a table summarizing key judgments and their impact is presented elsewhere, underscoring the judiciary's role in shaping correctional policies and practices.

²⁰ (1985) 1 SCC 686

²¹ (1981) 1 SCC 623 Khatri-I v. State of Bihar

²² 1983 AIR 1086, 1983 SCR (3) 508, <https://indiankanoon.org/doc/810491/>

²³ (1995) 3 SCC 600

²⁴ 1993 AIR 1960, 1993 SCR (2) 581

²⁵ State Of Andhra Pradesh vs Challa Ramkrishna Reddy & Ors on 26 April, 2000. Indiankanoon.org. <https://indiankanoon.org/doc/731194/>

6.1 THE IMPLEMENTATION CHASM: SYSTEMIC CHALLENGES AND REAL-WORLD DEFICIENCIES

The Indian penal system faces a significant implementation gap between Supreme Court pronouncements on rights and the reality within prisons, stemming from deep-seated systemic challenges.

- a) **Overcrowding and Undertrials:** Indian prisons operate at 130% capacity, primarily due to undertrial prisoners constituting 77.1% of the inmate's population. This overcrowding violates fundamental rights by compromising access to basic requirements like food, water, and healthcare. The substantial number of undertrials inside prison indicates a failure to ensure speedy trials, a right established since the 1979, Hussainara Khatoon²⁶ judgment, suggesting that judicial mandates alone are insufficient for structural reform.
- b) **Inadequate Infrastructure and Staffing:** Prisons suffer from severe inadequacies in infrastructure and human resources. Reports describe conditions as "pitiful" and below Model Prison Manual standards. Staff vacancies average 33%, impedes population management, decency and security which may exacerbate violence. A culture of impunity persists, with prisoners fearing retribution for retaliations for filing complaints and poor compliance with custodial violence monitoring checks remains inconsistent, as noted in the U.S. State Department's 2023 report.
- c) **Federalism Hinders Uniform Reform:** "Prisons" and detainees are a "State-List" subject and meaning states are not legally obligated to adopt central guidance, financial aid, or model documents like the Model Prison Manual, 2016. This federal structure creates vast disparities in prison conditions and reform efforts across India. In absence of a binding national legal framework, Judiciary's visions for a correctional and reformative penal system are being implemented variably among the States.
- d) **Custodial Violence and Accountability:** Despite comprehensive guidelines from the D.K. Basu case²⁷, custodial violence, torture, and "encounter killings" still persists. India's failure to ratify the UN Convention Against Torture (UNCAT) since 1997 is seen as an avoidance of international accountability for human rights abuses. While the Prevention of Custodial Torture Bill, 2023, aims to address this issue but its status as a bill highlights a lack of political will to enforce public employee's accountability.

6.2 LEGISLATIVE AND POLICY RESPONSES: A WAY FORWARD

The Indian government is actively engaged in transforming its penal system to foster a more humane and equitable prison administration based on decades of efforts of the committee modernizing legal framework. Various government-appointed committees, including the Mulla Committee (1980-83), Justice Krishna Iyer Committee, and the Justice Amitava Roy Committee (2018), have extensively analyzed challenges inside the prison system and proposing numerous recommendations. Key issues identified include high suicide rates, gender disparities, the substantial population of under trials, and inadequate medical care, with suggestions like establishment of fast-track courts for minor offenses to address the staff shortages. However, the main impediment remains the failure in effectively implementing of these extensive recommendations on a broader basis.

In an effort to modernize, the Ministry of Home Affairs introduced the Model Prison Manual, 2016, which aims to standardize prison governance across the states by focusing on aspects like prison computerization, specific provisions for women, after-care services, and vocational training for inmates. The Model Prisons and Correctional Services Act, 2023, was also formulated and circulated to states to encourage the adoption of new laws so that it may transit the focus from the concept of incarceration as "retributive deterrence" to "reform and rehabilitation." The Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, a new criminal procedural law, incorporates provisions in compliance to the Supreme Court's mandate for speedy trials. Specifically, Section 479 of the BNSS provides a mechanism for the release of undertrial prisoners who have completed a prospective sentence, assigning the responsibility to the Jail Superintendent to initiate the application. Furthermore, the government has launched a "Support to Poor Prisoners" scheme, offering financial assistance to individuals unable to pay fines or bail, a move that acknowledges the financial bars in accessing justice, as highlighted in cases like Hussainara Khatoon.

Despite these advancements, the new legal framework faces criticism for inconsistencies like the BNSS includes provisions allowing the use of handcuffs in a broader range of cases, which directly contradicts the Supreme Court rulings that have consistently discouraged such practices as inhumane. This tension underscores the ongoing challenge of aligning legislative reforms with the progressive human rights jurisprudence established by the judiciary.

²⁶ Ibid

²⁷ (Shri D.K. Basu, Ashok K. Johri vs State of West Bengal, State of U.P on 18 December, 1996, 2026) <https://indiankanoon.org/doc/501198/>

India's interactions with international human rights standards presents a complex dichotomy. The nation has formally adopted the philosophical principles of the United Nations Standard Minimum Rules for the Treatment of Prisoners, also known as the Nelson Mandela Rules, which advocate for respect for human dignity, safety, healthcare, and rehabilitation. Both the Model Prison Manual, 2016, and the Model Prisons and Correctional Services Act, 2023, were designed to foster the effective implementation of these international rules. Nevertheless, a significant paradox persists, India being a signatory to the UN Convention Against Torture (UNCAT) but has not yet ratified it, reportedly due to concerns about exposing the country to international scrutiny and accountability for widespread custodial torture and abuses. While the Prevention of Custodial Torture Bill, 2023, represents a domestic attempt to address these issues, the legislative delays in its enactment and the government's continued reluctance to ratify UNCAT highlight a substantial gap between a philosophical endorsement of international principles and a concrete, binding commitment to them.

7.1 CONCLUDING SYNTHESIS

The Supreme Court of India has significantly transformed Indian prison jurisprudence through judicial activism and creative interpretation, altering the penal philosophy from retribution to constitutional human rights and rehabilitation. As a crucial check of State responsibility for custodial responsibilities through broad interpretation Article 21, and Public Interest Litigation (PIL), it has established prisoners' rights to have humane treatment, protection from torture, speedy trials, and legal aid. This approach is reflected in its continual reading of Article 21, which has changed the criminal justice emphasis from simple punishment to one that emphasis reform and rehabilitation. Despite this progressive approach the court's role remains essentially remedial and supervisory. In spite of judicial advancements, a considerable disparity still persists between the Court's pronouncements and the reality within prisons, characterized by inconsistent overcrowding, understaffing, and inadequate infrastructure, which impede the enforcement of judicial directives.

The federal structure keeps prisons under the "State-List," and a prevailing culture of impunity among some law enforcement personnel further hinder the translation of the Supreme Court's vision into tangible improvements for inmates. While recent legislation like the Bharatiya Nyaya Sanhita (BNSS), 2023, aims to codify judicial mandates, its efficacy hinges on consistent, nationwide implementation. The process of transition from a colonial, punitive system to a modern, rehabilitative one is still ongoing remains an incomplete process. To narrow down this gap, specific suggestions are offered.

To enact a new, comprehensive and legally enforceable law for the prisons of the entire country to replace the Prisons Act of 1894, integrating the progressive principles from the Model Prisons and Correctional Services Act, 2023 and to ratify the UN Convention Against Torture (UNCAT) and introduce a strong anti-torture law that may ensure strict accountability for public servants involved in custodial violence.

All States and Union Territories are required to implement the Model Prison Manual, 2016. In order to provide safe and hygienic living with sanitary facilities, as identified by the Justice Amitava Roy Committee, it is required to address the critical issues of understaffing and infrastructure deficits in a time-bound manner. Establish a centralized, transparent monitoring system to track states progress in implementing judicial directives and new legal provisions, such as Section 479 of the BNSS.

Institute a dedicated, permanent judicial supervisory committee which is empowered to conduct routine, surprised prison inspections and hold prison administrators accountable for non-compliance with court orders and new legislation and to have a close eye on the implementation of the BNSS, with a particular focus on the role of Jail Superintendents in processing applications for the release of eligible undertrial prisoners. Continue to provide legal assistance and support to impoverished prisoners through the mechanism of the Legal Services Authorities Act and to function as a vigilant watchdog by keeping an eye and reporting on prison conditions, ensuring that the voices of marginalized populations are attended and that the principles of human dignity continue to be at the centre of the national discourse on prison reform. Additional important steps are required to be taken for providing enough funds for infrastructure development of the prisons, better staff training, and to introduce developmental rehabilitation programs.

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