

## HUMAN AND EDUCATIONAL RIGHTS OF PRISONERS IN INDIA

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### INTRODUCTION

It is rightly said that "all prisoners are not necessarily born criminals but the barbarity of prison life, transforms them into potential enemies of the society." <sup>1</sup>The prisons in India are in a very pathetic condition. They lack sanitation, hygiene, and even daylight. Prisoners are not even treated as human beings.

### HUMAN RIGHTS

One of the human rights available to every citizen of India is the Right to Equality but the prison system is a male-centric model. Women are more vulnerable to violence, and physical, mental, and sexual abuse. One disturbing example is Bellapu Anuradha was a prisoner in Odisha jail. She said that there were no doors in women's washrooms so they were used to stares by the guard.<sup>2</sup> The International Convention has stated that there should be proper healthcare facilities for prisoners and they should also get social equality even though even then they are not given voting rights in India. Even after being stressed by the courts in India, the prisoners are forced to work as laborers in prisons for barely minimum wage.

### EDUCATIONAL RIGHTS

The education of prisoners has been a major issue in India. With the confinement in jail, education is also a remedy in getting the prisoners onto the right path. The major step was taken by the open and distant learning system in India, known as Indira Gandhi National Open University (IGNOU). Its first initiative was in the Tihar jail in 1994. Today it has 94 study centers overall in India. It started providing free education in 2010 to prisoners and is continuing. In India, the prisoners already lack elementary education which makes worsens the situation. At present only 33% of male convicts are literate and women are only 12%.<sup>3</sup>

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<sup>1</sup> Sumit Mukharjee, "Human rights of prisoners- India and the world", *Jadavpur Journal of International Relations*, 8 99 (2004)

<sup>2</sup> 2 Anjuly Mathai, "Days of Darkness", Aug 2018 <https://www.theweek.in/theweek/cover/2018/08/18/days-of-darkness.html> (last visited on 11 November, 2021)

<sup>3</sup> S.M.A Qadri, "Criminology, Penology and Victimology" (Eastern Book Company, 1 Jan, 2017)

## **RIGHT TO LIFE AND PERSONAL LIBERTY**

The Honorable Supreme Court has frequently upheld the relevance of Article 21 and implemented its ruling in several situations. The meaning of the word "life," as used by Field J. in the well-known case of *Kharak Singh v. the State of UP*, has been broadened. In the aforementioned instance, the court decided that the term "life" refers to more than just an animal's existence. The prohibition against its loss applies to all the limbs and abilities that are used to enjoy life. The clause also forbids the mutilation of the body by the removal of an eye, an arm, a leg, or any other organ that serves as a conduit for the soul's communication with the hereafter. It might be argued that the right to life does not just apply to animal existence. It implies more than simply a being's ability to survive physically.

### **CASE LAWS**

In the case of *Mohammad Giasuddin v., the State of A.P*, The court's order directed the state to give fair and considerate wages to the prisoners. The wages should not be below the standard minimum wages that must be provided to a person.

In *Francis Coralie Mullin v. The Administrator, Union Territory of Delhi and others*, The Supreme Court stated that the prisoner should be treated with dignity. They should be allowed to meet their family members and friends. The court stressed upon not allowing the prisoners to meet their families and friends outside the prison.

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### **CONCLUSION**

Even though it can be seen that on the prisoner's education there has been some work done but the other human rights of the prisoners are deteriorating. Women should be treated equally in prisons and should not be abused in any manner. They should be given basic fundamental rights. Prisoners should be encouraged to read and write. There can be different strategies which the government can use by reducing punishment by some days for reading only one single book. Also, prisoners should be allowed to earn degrees after their respective examinations. This will help them in getting jobs after their punishment. This will also help them path away in their life. Illiteracy plays a big role in contributing to criminal activities. If it gets increased there is a possibility that crime rates will decrease.