



## HUMAN DIGNITY BEHIND BARS: PRISON CONDITIONS AND EXPANDING JURISPRUDENCE OF ARTICLE 21

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### ABSTRACT

*The Indian prison system faces significant challenges in upholding human dignity and prisoners' rights. This study examines the historical context, constitutional safeguards, and major issues plaguing Indian prisons. Overcrowding, inadequate sanitation, poor nutrition, and insufficient medical care are prevalent concerns. Vulnerable populations, including older and women prisoners, face additional hardships. Despite legal frameworks like the UN Nelson Mandela Rules, a substantial gap exists between prescribed standards and reality. Judicial developments have established prisoners' fundamental rights, yet systemic issues persist. Comparative analysis with European approaches highlights the need for rights-based, rehabilitation-focused reforms. Article 21 of the Indian Constitution, which protects the right to life and personal liberty, has undergone significant judicial interpretation and expansion over the years. Initially narrowly construed in A.K. Gopalan v. State of Madras (1950), subsequent landmark judgments have broadened its scope to encompass both negative and positive obligations of the state, particularly in the context of prison rights. The study concludes that significant systemic changes are necessary to bridge the gap between legal rights and actual prison conditions, emphasising the urgent need to uphold human dignity in Indian prisons.*

**Keywords:** Indian Prison System, Human Dignity, Prisoners' Rights, Vulnerable Populations, Legal Framework.

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## INTRODUCTION

*The degree of civilisation in a society can be judged by entering its prisons,"* is a famous quote by Fyodor Dostoevsky, which emphasises the connection between the treatment of prisoners with the moral and ethical standards of a society.

In ancient and medieval India, punishment was mostly based on retribution, fear and deterrence, with death, mutilation, and fines being the main ways to punish individuals and imprisonment was solely used for political offenders. The Magna Carta (1215) laid the foundation for recognising that even rulers are bound by law, establishing early protections for individual liberty and dignity. Its key clauses, Clause 39, which guarantees due process and protection from arbitrary detention, and Clause 40, which promises justice without denial or delay, form the basis for modern fair trial rights.<sup>1</sup> These principles influenced later legal milestones like the English Bill of Rights, habeas corpus, and global constitutional protections. Today, they resonate in international instruments such as the UDHR and in India's Articles 21 and 22, which safeguard prisoners' rights. Together, they affirm that imprisonment should not strip individuals of their inherent dignity and that prison systems must uphold justice, fairness, and humane treatment.<sup>2</sup>

While Article 21 of the Indian Constitution guarantees the fundamental right to life and personal liberty with dignity, the lived reality within Indian's prison walls often presents a stark contradiction to this constitutional promise.<sup>3</sup> The transformation of Article 21 from a mere procedural safeguard to a substantive guarantee of human dignity has profound implications for how we understand the rights of incarcerated individuals. The transition from Gopalan's narrow interpretation to Maneka Gandhi's broader interpretation, the Supreme Court recognised that the right to life includes more than just biological existence and ultimately to a particular application in prison jurisprudence.

Indian prisons continue to encounter significant challenges, despite the constitutional safeguards and judicial recognition under Article 21. Legal safeguards continue to be ineffective due to a lack of funding, inadequate infrastructure and administrative incompetence. In addition to this, we cannot neglect the extremely poor mental health care and accommodation for those with intellectual disabilities, which violates the rehabilitation

<sup>1</sup> Magna Carta 1215

<sup>2</sup> Constitution of India 1950

<sup>3</sup> Constitution of India 1950, art 21

goal of incarceration. The overcrowding condition, with systemic caste and gender-based discrimination and weak accountability procedures, allows custodial violence to continue.

Article 1 of the Universal Declaration of Human Rights says human dignity is a value that all people possess just by virtue of being human, which means that everyone deserves respect and dignity.<sup>4</sup> Dignity includes respect for the physical and mental integrity of individuals, safeguarding them from inhuman conditions and ensuring that no person is treated in a manner that diminishes their self-worth. Human dignity is fundamentally connected to the criminal justice system, which encompasses not only punishment but also rehabilitation and the reintegration of prisoners into society.

India's prisoner rights have undergone a significant transformation, shifting from punitive and harsh customs to a legal constitutional framework that prioritises rehabilitation, reform and human dignity. The landmark judicial decisions have had a big impact on this transformation, like in the case of *Sunil Batra v. Delhi Administration* (1978)<sup>5</sup> the Supreme Court rejected the hands-off doctrine, holding that prisoners retain their fundamental rights under Articles 14, 19, and 21 and condemned torture and arbitrary solitary confinement.<sup>6</sup> The court further in *Charles Sobraj v. Superintendent, Central Jail* 1978, strengthened protections by explicitly prohibiting custodial torture and inhuman treatment, recognising such practices as infringements of the right to dignity under Article 21.<sup>7</sup>

## **PRISON CONDITIONS AND VIOLATION OF HUMAN DIGNITY**

Any individual lawfully or unlawfully deprived of personal liberty and detained by the state is considered a prisoner. The term includes convicted prisoners who are serving a sentence after being found guilty, undertrial prisoners who are facing trial but not yet convicted, and detainees held under preventive detention laws to prevent future offences. Therefore, prisoners are people whose freedom is restricted but whose fundamental human and constitutional rights remain intact, obligating the state to treat them fairly and humanely. Prison is a legally established place where an individual is confined by the state, and it functions as both a place of confinement and a correctional institution aimed at reformation and reintegration of offenders.

<sup>4</sup> Universal Declaration of Human Right 1948, art 1

<sup>5</sup> *Sunil Batra v. Delhi Administration* (1978) 4 SCC 494

<sup>6</sup> Constitution of India 1950

<sup>7</sup> *Charles Sobraj v. superintendent, central jail* (1978) 1 SCC 248

The physical condition of prisons in India demonstrates systemic breach of constitutional safeguards under Article 21, which ensures the right to life and personal liberty with dignity which are as follows:

**Overcrowding:** Overcrowding is the condition wherein the number of inmates housed in jail is larger than the sanctioned strength. The India justice report 2025 reveals inmate population in India rose sharply from 3.8 lakh in 2012 to 5.7 lakh in 2022 and is projected to reach 6.8 lakh by 2030. However, the available prison capacity stands at only 4.3 lakh. The national occupancy rate stands at 131%, a substantial jump from 112% in 2012.<sup>8</sup> Therefore, an overcrowded environment fosters communicable disease outbreaks, mental health issues, violence, and chronic stress, compromising the ability to ensure safe, human living conditions. In an overcrowded prison, the segregation of hardened criminals and their separation from mild offenders becomes impossible. Prison overcrowding compels prisoners to be kept under conditions unacceptable to the United Nations Standard Minimum Rules for the treatment of offenders, to which India is a signatory.<sup>9</sup>

**Inadequate Sanitation and Hygiene Facilities:** Many prisons fail to provide proper toilets, showers, or trash disposal systems, resulting in unhygienic surroundings and outbreaks of disease like anaemia, skin infection and communicable diseases. Judicial recognition in *Parmanand Katara v. Union of India* (1989) affirmed that the state has a duty to provide good health facilities, which include maintaining sanitary conditions.<sup>10</sup> Poor hygiene is a clear violation of rules 15 and 16 of the UN Nelson Mandela Rules, which require cleanliness of prison premises and access to bathing facilities. The irregular water supply, resulting in unhygienic conditions, long queues for drinking water and limited bathing opportunities, violates the Model Prison Manual, 2016 norms, which specify adequate toilets, bathing facilities, and clean water for all inmates.<sup>11</sup> If we talk especially about women prisoners, India has seen a worrying decline in medical staff, particularly in female medical personnel, to provide women prisoners with the Physical, reproductive, and mental healthcare they need.

**Poor Nutrition and Food Standards:** Article 21 (Right to Life and Personal Liberty): The Supreme Court has consistently ruled that this provision extends to prisoners, ensuring they

<sup>8</sup> India Justice Report: Ranking States on the Capacity of Police, Judiciary, Prisons, and Legal Aid (2025)

<sup>9</sup> UN General Assembly, United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), [2016]

<sup>10</sup> *Parmanand Katara v. Union of India* (1989) 4 SCC 286

<sup>11</sup> Model Prison Manual 2016

receive adequate nutrition, healthcare, and hygiene in *Maneka Gandhi v. Union of India*, 1978.<sup>12</sup> The Supreme Court of India has ruled that the right to life includes the right to live with dignity, which extends to ensuring prisoners receive proper food, clean drinking water, and healthcare. Food provided in several prisons is often nutritionally inadequate, of poor quality and sometimes unhygienic, leading to malnutrition and health complications, which contravenes the Prison Act 1894, which mandates an adequate diet and medical inspection of food. The lack of proper nutrition, which is particularly detrimental to pregnant women and food being prepared in unhygienic conditions, led to the hospitalisation of 81 female inmates in Byculla Jail due to food poisoning.<sup>13</sup>

**Lack of Infrastructure and Resources:** The majority of Indian prisons are of the colonial era, not designed to handle the current prison population with cracks, leaking roofs, poor drainage and inadequate security systems. Overcrowding forces 3-4 inmates to share a single mat or even sleep on the floor, which violates Rule 21 of the UN Nelson Mandela rules, which mandates that the prisoner be provided with separate bedding and sleeping accommodation.<sup>14</sup> The provision of adequate funds is a prerequisite for the effective functioning of prison institutions. But it is being observed that the allocated budget for prisons in our country has been reducing year to year. The sanctioned budget for 2020-21 has decreased by 2.9% in comparison to 2019-20 from Rs. 6,942.4 crore to Rs. 6,740.6 crore and only 34% of this amount is spent on the inmates, and maintaining prisons is becoming expensive day by day, while negligible attention is being given to the inmates who live in deplorable and inhumane conditions for years.<sup>15</sup>

**Inadequate Medical Attention:** Many prisons in India are plagued by insufficient medical infrastructure, a shortage of qualified doctors, and inconsistent access to healthcare services. Prison hospital often lacks necessary medication, diagnostic equipment and emergency care services, which leads to serious medical conditions.<sup>16</sup> Particularly neglected chronic conditions

<sup>12</sup> *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248

<sup>13</sup> Business Standard, '81 Women Inmates of Byculla Jail Hospitalised' (20 July 2018) [https://www.business-standard.com/article/pti-stories/81-women-inmates-of-byculla-jail-hospitalised-118072001272\\_1.html](https://www.business-standard.com/article/pti-stories/81-women-inmates-of-byculla-jail-hospitalised-118072001272_1.html) accessed 17 September 2025.

<sup>14</sup> UN General Assembly, United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), [2016], rule 21

<sup>15</sup> National Crime Records Bureau, *Prison Statistics India 2020* (Government of India, 2021) Table under "Prisons – Budget & Infrastructure", showing that the sanctioned budget fell from ₹ 6,942.3 crore in 2019-20 to ₹ 6,740.6 crore in 2020-21, and that about 34.7% of the actual expenditure was on inmates.

<sup>16</sup> National Crime Records Bureau, *Prison Statistics India 2020* (Ministry of Home Affairs, Government of India 2021) <https://ncrb.gov.in/en/prison-statistics-india-2020> accessed 17 September 2025

include diabetes, hypertension and tuberculosis, which raise inmate morbidity and death. Denial or delay of medical care constitutes a violation of fundamental human rights, as prisoners retain the right to life and personal liberty under Article 21 of the Indian Constitution.

**Mental Health Neglect:** The problem of mental health in prisons is generally ignored and not adequately addressed, which leads to severe psychological suffering among prisoners. Overcrowding, prolonged detention, solitary detention and lack of social interaction exacerbate anxiety, depression and other mental illnesses.<sup>17</sup> Many prisons do not employ trained psychiatrists or psychologists, and there is virtually no consultation or rehabilitation programme, and prisoners are without support during emotional crises. Studies have shown that suicide and attempted suicide are prevalent in prisons, reflecting the serious consequences of systemic neglect. The Nelson Mandela Rules of the United Nations stipulated that prisoners must receive mental health services equivalent to those provided in the community and that the lack of adequate mental health services was a serious violation of human rights obligations.<sup>18</sup>

**Custodial Violence:** Custodial violence remains a deeply entrenched problem in Indian prisons, reflecting systemic lapses in law enforcement, judicial oversight, and prison administration. Despite the constitutional guarantees under Articles 14, 19, and 21 of the Indian Constitution, which safeguard equality, freedom, and protection from arbitrary deprivation of life and liberty, prisoners continue to experience physical abuse, sexual assault, and even custodial death.<sup>19</sup> National Human Rights Commission (NHRC) reported 2,739 custodial deaths in 2024 alone, reflecting not only physical abuse but also medical neglect and systemic inefficiencies in prisons.<sup>20</sup> The 1972 Mathura rape starkly highlights the vulnerability of women in custody and reveals the long-standing prevalence of sexual violence within Indian prisons and police stations.<sup>21</sup> It exposed systemic flaws in safeguarding women in state custody, highlighting that female detainees are often left extremely vulnerable to abuse, harassment, and coercion due to patriarchal biases, lack of oversight, and inadequate protective measures. The Mathura case subsequently led to significant legal reforms, including the amendment of

<sup>17</sup> World Health Organization, *Health in Prisons: A WHO Guide to the Essentials in Prison Health* (WHO Regional Office for Europe 2007).

<sup>18</sup> UN General Assembly, *United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)*, [2016]

<sup>19</sup> Law Commission of India, *Congestion of Undertrial Prisoners in Jails* (78th Report, 1979) <https://cdnbbsr.s3waas.gov.in/s3ca0daec69b5adc880fb464895726dbdf/uploads/2022/08/2022080559-2.pdf> accessed 18 September 2025.

<sup>20</sup> National Human Rights Commission, *Annual Report 2023–24* (2025)

<sup>21</sup> State of Maharashtra v Mathura AIR 1979 SC 531

Sections 376 and 114A of the Indian Penal Code to strengthen protections for women against custodial sexual assault and emphasise consent as central to prosecution.<sup>22</sup>

**Older Prisoner:** Older prisoners are one of the most neglected categories of senior citizens. Older detainees face serious challenges such as neglect, disability, chronic diseases, increased dependence on prison staff and inadequate accommodation of their age and health. Many older prisoners experience negligence, and their unique medical and psychological needs are not met or ignored.<sup>23</sup> Issues such as lack of access to facilities, lack of medical care and hostile environments have exacerbated their vulnerability.

**Women Prisoners:** Indian prisoners face several challenges, which expose the country's criminal justice and prison systems' serious flaws. Current prison conditions are not suitable for the needs of women, especially when systems are designed mainly for men. Hygiene is one of the persistent problems after overcrowding. Sanitation facilities are often insufficient, and women prisoners have more severe hygienic needs. The supply of hygiene pads and private spaces for changing and disposing of them is often limited. Many women prisoners are forced to rely on unhygienic and uncomfortable alternatives. Another main concern is the lack of free lawyers and delays in legal proceedings, especially for those who cannot afford private representation, which only increases the vulnerability of prison women. Due to existing bureaucratic inefficiency, women are often imprisoned for longer periods and are unable to provide legal defence. This exacerbates the general sense of powerlessness and despair experienced by many women prisoners.<sup>24</sup> One of the most worrying problems faced by Indian women prisoners is armed abuse. Reports of physical and sexual abuse of prison staff against female prisoners have been circulated over the years, but accountability for these incidents remains low. The violence of prisoners is clearly a violation of the human rights and dignity of prisoners, but in many cases, it is not punished. Prison women are especially vulnerable to this abuse because of their marginalised status in society and the power imbalance between them and the prison authorities.

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<sup>22</sup> Indian Penal Code 1860

<sup>23</sup> D Dey, 'Custodial neglect of older prisoners in India' *Jindal Global Law Review* 13(2) (2022) 307–331  
<https://pmc.ncbi.nlm.nih.gov/articles/PMC9734851/> accessed 17 September 2025.

<sup>24</sup> 'Challenges Facing Women in Indian Prisons: A Call for Reform' *Gender Studies* (14 March 2024)  
<https://gender.study/gender-based-violence/challenges-women-indian-prisons-reform/> accessed 18 September 2025.

**LGBTQ+ Prisoners:** Prisons are often traumatising and unsafe environments, especially for lesbians, gays, bisexuals, transgender and people who do not conform to gender. Research shows that LGBTQ+ people are more likely to be imprisoned disproportionately and are more likely to be abducted, victimised and neglected after being released from prison. They also experience significant mental health challenges more than the general population, and transgender persons are particularly susceptible to depression, suicide, trauma and drug abuse disorders.<sup>25</sup> From a human rights perspective, the UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) mandate that all prisoners must be treated with respect for their inherent dignity and without discrimination based on sexual orientation or gender identity.<sup>26</sup> In the Indian context, the Supreme Court's decision in *Navtej Singh Johar v. Union of India* (2018) decriminalised consensual same-sex relations, affirming the constitutional rights to equality (Article 14), non-discrimination (Article 15), and dignity (Article 21) for LGBTQ+ persons.<sup>27</sup> The Ministry of Home Affairs (2024) has also issued directions to all states and union territories mandating equal treatment for LGBTQ+ inmates, including protection from harassment, access to necessary facilities, and recognition of their rights during incarceration.

## **JUDICIAL ACTIVISM AND EXPANDING JURISPRUDENCE OF ARTICLE 21**

Judicial activism is the proactive intervention by courts to enforce fundamental rights, interpret laws broadly, and address systemic issues when legislative or executive measures are insufficient. It goes beyond traditional adjudication, enabling the judiciary to act as a guardian of constitutional guarantees and human rights. Judicial activism has been instrumental in protecting the rights of prisoners, who often remain vulnerable to neglect, overcrowding, inadequate healthcare, and custodial violence. Courts have used public interest litigation (PIL) to highlight and rectify systemic failures within the prison system.<sup>28</sup>

Article 21 of the Indian Constitution says that no person shall be deprived of his life or personal liberty except according to procedure established by law is widely regarded as the heart of

<sup>25</sup> J Marksamer & Harper Jean Tobin, *Standing with LGBT Prisoners: An Advocate's Guide to Ending Abuse and Combating Imprisonment* (National Centre for Transgender Equality Washington, DC 2014) <https://transequality.org/issues/resources/standing-with-lgbt-prisoners-an-advocate-s-guide-to-ending-abuse-and-combating> accessed 18 September 2025

<sup>26</sup> UN General Assembly, United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), [2016]

<sup>27</sup> Constitution of India 1950

<sup>28</sup> Law Commission of India, Congestion of Undertrial Prisoners in Jails (78th Report, 1979)

fundamental rights. Initially interpreted in *A.K. Gopalan v. State of Madras* (1950), the provision was restricted to protecting personal liberty against executive action, with the judiciary deferring to legislative wisdom. The courts have interpreted Article 21 to impose both negative obligations (prohibitions on torture, degrading treatment, and arbitrary detention) and positive/state (adequate living conditions, health, nutrition, legal aid, and systemic reforms).<sup>29</sup>

To analyse judicial developments coherently, the jurisprudence of Article 21 can be understood through three interconnected dimensions, which together form a comprehensive framework for protecting the right of prisoners. Article 21 guarantees the necessities of a dignified life in prisons, including adequate healthcare, adequate nutrition, humane living conditions and protection against torture or inhuman and degrading punishment.<sup>30</sup> This ensures that detention does not strip prisoners of their basic human dignity. The procedural dimension focuses on the protection against arbitrary deprivation of liberty, including the right to rapid trials, free legal assistance and procedural guarantees during arrest and detention, which collectively maintain fairness and fairness of the procedure.

The landmark judicial developments under Article 21 have significantly transformed the legal landscape of prison rights in India, embedding dignity and fairness within the carceral system. In *Sunil Batra v. Delhi Administration* (1978) court declared that prisoners do not lose their fundamental rights on incarceration and condemned excessive use of solitary confinement without procedural safeguards.<sup>31</sup> The decision curbed physical and mental torture, established the right of prisoners to dignity, and required lawful procedure for the deprivation of liberty. Building on this, *Francis Coralie Mullin v. Administrator, U.T. of Delhi* (1981) canonically recognised that the right to life under Article 21 encompasses the right to live with dignity, including access to essential facilities such as food, shelter, and health care, thereby constitutionalising minimum standards for prison conditions.<sup>32</sup>

In *Hussainara Khatoon v. State of Bihar* (1979) court recognised the right to a speedy trial as a fundamental right for undertrial prisoners and directed the release of thousands detained for long periods without trial.<sup>33</sup> Similarly, in *Sheela Barse v. State of Maharashtra* (1983), the court practised judicial activism to safeguard women prisoners from custodial abuse and issued

<sup>29</sup> *A.K. Gopalan v. State of Madras* (1950), SCR 88

<sup>30</sup> Constitution of India 1950, art 21

<sup>31</sup> *Sunil Batra v. Delhi Administration* (1978) 4 SCC 494

<sup>32</sup> *Francis Coralie Mullin v. Administrator, U.T. of Delhi* (1981) 1 SCC 608

<sup>33</sup> *Hussainara Khatoon v. State of Bihar* (1979) SCR (3) 1276

directions to ensure humane treatment and legal aid.<sup>34</sup> Again, in DK Basu v. State of West Bengal (1997) court mandated procedural safeguards against custodial violence and laid down guidelines on arrest and detention to protect detainees' rights under Article 21.<sup>35</sup>

Finally, in In Re: Inhuman Conditions in 1382 Prisons (2016/2018), the Supreme Court adopted a systemic approach by addressing overcrowding, directing the adoption of the Model Prison Manual, ordering the creation of Undertrial Review Committees, and mandating periodic audits of prison conditions to ensure infrastructure upgrades and compliance with constitutional standards. Together, these judgments have operationalised Article 21 as a comprehensive guarantee of dignity, fairness, and humane treatment for prisoners, bridging the gap between constitutional promises and the realities of incarceration.<sup>36</sup>

The implementation of judicially mandated prison reforms in India faces persistent challenges, creating a significant gap between legal pronouncements and the actual experiences of prisoners. This includes resistance from prison administration, chronic resource constraints, and systemic issues within law enforcement and state agencies.<sup>37</sup> Policy and administrative shortcomings add another layer of complexity, as prisons are a state subject, there is wide variation in the adoption of central guidelines and Supreme Court directives, and even the progressive Model Prisons Act, 2023, suffers from uneven implementation.<sup>38</sup> Persistent underfunding, inadequate training programs, and the lack of rehabilitation infrastructure weaken reform efforts. Together, these factors illustrate that judicial pronouncements alone are insufficient without sustained administrative commitment, resources, and structural reforms.

## **COMPARATIVE PERSPECTIVES: THE GAP BETWEEN LAW AND LIVED REALITY**

India has committed itself to the Nelson Mandela Rules of the United Nations, which set minimum standards for the accommodation, health care, nutrition, legal assistance and rehabilitation of prisoners. However, India's prisons continue to face chronic overpopulation,

<sup>34</sup> Sheela Barse v. State of Maharashtra (1983) SCR (2) 337

<sup>35</sup> DK Basu v. State of West Bengal (1997) 1 SCC 416

<sup>36</sup> Re: Inhuman Conditions in 1382 Prisons Writ Petition (Civil) No 406 of 2013

<sup>37</sup> Tushar Tiwari, *Prison Reforms in India: A Critical Analysis* (IJALR Volume 3, Issue 3, 2023)

<https://ijalr.in/volume-3-issue-3-2023/prison-reforms-in-india-a-critical-analysis-tushar-tiwari/> accessed 17

September 2025

<sup>38</sup> Model Prisons Act, 2023 (Ministry of Home Affairs, Govt of India)

poor infrastructure, medical facilities, low supervision and minimal rehabilitation programmes, leaving a great gap between legal guarantees and reality.

The lessons of other jurisdictions, especially Europe, show that a rights-based and rehabilitation approach can change prison systems. Countries such as Norway and Sweden followed the "normalisation principle" and reduced recidivism, making prison life similar to normal life, while the European Court of Human Rights considered excessive and degrading conditions to be violations of human rights.<sup>39</sup> With these lessons in mind, India can adopt statutory restrictions on occupation, expand non-prisoner punishment, strengthen independent inspection, improve health and education in prisons, and focus on rehabilitation and reintegration. Together, these measures would bring Indian prisons closer to constitutional ideals and international human rights standards.

Despite a robust legal framework and an expansion of the jurisprudence, particularly under Article 21 of the Indian Constitution, there is still a significant difference between the rights guaranteed to prisoners and their real experiences in prisons. This inequality is a major challenge to maintaining human dignity behind bars.

The Gap between law and reality emphasises the separation between the legal rights guaranteed by the paper and the reality of the conditions suffered by prisoners. In theory, Indian law ensures that prisoners are treated with dignity and humanity through provisions of the constitution, judicial declaration and prison manuals. However, inside prisons, the physical reality often tells a different story.<sup>40</sup> The legal rights granted to prisoners under Indian law remain persistently and systemically lacking and exist within the walls of prisons. Despite constitutional guarantees and repeated legal interventions, daily realities are shaped by persistent discrimination, inadequacy of facilities, delay in proceedings and abuse of custody.

## **RECOMMENDATION**

Prison reform in India requires a comprehensive approach combining legislative, administrative, judicial, and societal measures. Legislatively, existing Prison Acts should be modernised, and a dedicated prisoners' rights law enacted to ensure humane treatment, non-

<sup>39</sup> Northern European Prisons Illustrate Focus on Dignity' (2025) Brennan Centre for Justice <https://www.brennancenter.org/our-work/analysis-opinion/northern-european-prisons-illustrate-focus-dignity>

<sup>40</sup> Drishti IAS, 'Transforming India's Prison System' (21 November 2024) <https://www.drishtiias.com/daily-updates/daily-news-editorials/transforming-india-s-prison-system>

discrimination, and access to rehabilitation and legal aid. Administratively, prison infrastructure must be upgraded, budgets increased, personnel trained in human rights, and independent oversight mechanisms established.

Judicial enforcement should be strengthened through dedicated monitoring, accountability for non-compliance, and streamlined processes to reduce overcrowding. Finally, public awareness and civil society engagement are essential to advocate for prisoners' rights, support rehabilitation, and facilitate community reintegration, thereby embedding human dignity at the core of India's prison system.

Legal measures should clearly define and criminalise torture, establishing redress mechanisms and stringent penalties. Independent oversight bodies, regular inspections, and technological solutions like CCTV installation in prisons are necessary to deter abuse. Training of prison staff on human rights, mental health, and ethical conduct is vital, alongside ensuring timely judicial inquiries and holding perpetrators accountable.

Future research on prisons should comprehensively examine the long-term psychological effects of incarceration, including depression, anxiety, PTSD, and post-incarceration challenges, with particular attention to vulnerable populations such as women, juveniles, LGBTQ+ individuals, and marginalised communities. It should evaluate the effectiveness of rehabilitation programs, including vocational training, mental health interventions, and substance use treatment, while identifying barriers like institutional resistance, resource limitations, and social stigma.

Prison reforms require a multifaceted approach. Legislative measures should include amending existing Prison Acts and enacting comprehensive prisoners' rights laws to protect all inmates, particularly vulnerable groups. Administratively, prisons need improved infrastructure, increased budgets, better-trained personnel, and independent oversight mechanisms to ensure accountability. Judicial enforcement must be strengthened through regular monitoring of court directives and facilitating prisoners' access to legal remedies. Finally, public awareness and civil society engagement are crucial for advocating humane treatment, promoting rehabilitation, and fostering a societal understanding of prisoners' rights.

## CONCLUSION

Prison conditions in India often infringe the human dignity guaranteed by the Constitution, as many facilities do not have sufficient capacity, leading to overpopulation, inadequate sanitation facilities, limited health care and frequent abuse of prisons. POWs and vulnerable groups, including disabled persons and women, are the victims of systematic neglect and discrimination. Despite the constitutional protections guaranteed mainly under Article 21, which guarantees the right to a dignified life, the realities of living in prisons are often not covered by these legal guarantees due to structural and administrative failure.

Judicial interpretation of Article 21 has expansively evolved to protect prisoners' rights, emphasising humane treatment, speedy trial, legal aid, protection against torture, and rehabilitation. Landmark rulings such as *Sunil Batra v. Delhi Administration* and *D.K. Basu v. West Bengal* have established the fundamental rights of prisoners, insisting that deprivation of liberty does not erase constitutional protections. Courts have also intervened to address overcrowding, custodial violence, and deplorable prison conditions, establishing a strong judicial activism legacy that continuously pushes state authorities toward reform.

The urgent need of the time is to transform our criminal justice system (JPS) into an efficient and effective mechanism. This requires a comprehensive overhaul that extends beyond prison reform. We can create a just and humane justice system by focusing on rehabilitation, investing in mental health services and protecting the rights of all detainees. The future of our society depends on our ability to carry out significant reforms in the whole field of criminal justice.

By integrating insights from law, psychology, sociology, and public policy, research will provide evidence-based guidance to strengthen prison reforms, safeguard human dignity, promote rehabilitation, and enhance the protection of prisoners' constitutional rights.