

## Protection of Human Rights of Prisoners under the Indian Constitution

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### ABSTRACT

The Indian Prison System still lags in protecting the prisoners' rights in the wake of repeated human rights violation cases. This paper examines systemic deficiencies that lead to violations of prisoners' rights, specifically focusing on the cases under the constitutional safeguards provided in the Articles 14, 19, and 21 of the Indian Constitution. These articles guarantee fundamental rights related to equality, freedom of speech, and the right to life and personal liberty. A critical analysis of some of the vital judicial pronouncements in the case, such as *D.K. Basu v. State of West Bengal*,<sup>33</sup>; *Maneka Gandhi v. Union of India*<sup>34</sup> It is about the judiciary's progressive interpretation of constitutional rights and how the courts have taken proactive steps to redress custodial violence cases while upholding principles of procedural fairness.

Further, the paper carries out a comparative study of international instruments, of which the Basic Principles for the Treatment of Prisoners of 1990 and the International Covenant on Civil and Political Rights are notable. It is essential while proposing legislative reforms in relation to India to incorporate prison practices that meet universally recognized human rights standards. The study concludes by presenting a set of legal reforms aimed at rectifying the systemic issues within the Indian prison system, thereby ensuring greater adherence to constitutional protections and enhancing the humane treatment of prisoners.

**Keywords:** Prisoners' Rights, constitutional Safeguards, Judicial Pronouncements, Systemic Issues, International Human Rights Standard

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<sup>34</sup> *Maneka Gandhi v. Union of India*, AIR 1978 SC 597.

## INTRODUCTION

The protection of Human Rights of the Incarcerated prisoners is one of the most fundamental questions of any fair, equal, and dignified society. Imprisonment is a form of punishment that takes away the liberty of an individual and deprives him of nothing to his basic human rights. Even in India, the Constitution promises these rights, including for a man in jail. However, despite this legal base, systemic problems still beleaguer the Indian prison system, as there is gross violation of prisoners' rights. Violation of prisoners' rights not only is a betrayal of the core principles of justice but also reveals the growing demand for complete legal reforms.

The prisoners, as a group, are the most deprivitized sections of the economy or one can say, in society often forgotten or neglected. Their position as offenders makes their situation ambiguous, as they have indeed offended but are yet supposed to be protected by the same law. The current scenario in Indian prisons, however, is one of a dark picture in which prisoners experience overcrowding, custodial violence, inadequate healthcare facilities, and absence of rehabilitative measures. Such systemic issues exacerbate conditions that are both dehumanizing and unconstitutional.

The Indian prison system, largely an inheritance from colonial times, still treads along the line of punitive actions rather than bringing a sense of rehabilitation within the walls. A view of a penal system that actually emerged in colonial times is into a reform process instead of punishing- prison reform, which shall be necessary for changing the structural as well as operational inefficiencies. Some efforts at reform were made recently, which were largely piecemeal and ineffective in tackling the root cause of the problems in the system.

Even prisoners do come within the sweep of Articles 14, 19, and 21 of the Constitution that further provide fundamental rights. It is due to Article 14 that gives guarantee for the equality before law, Article 19 under which freedom of speech and expression stands guaranteed by reasonable restrictions, and Article 21 that ensures the right to life and personal liberty. One other actor that has been very active in moving these rights forward in an expansive way, such as the right to live with dignity, the right to health, and the right against cruel or degrading treatment, is the judiciary. But when it comes to the ground realities of Indian prisons, hardly any of this constitutional ideal seems to be in sync.

Overcrowding is the single most pressing issue in the Indian prison system. Occupancy rates far and above the capacity, prisoners are made to live in somewhat inhuman conditions, hardly

able to access proper sanitation and healthcare for themselves. Indian prisons operated with an occupancy rate of 118% as reported by the NCRB as of 2020. Overcrowding is much worsened in the context of numbers in terms of undertrial prisoners who at large contribute to the prison population. Overcrowding in jails not only violates the rights of the prisoners but also provides a fertile ground for rampant diseases, which was witnessed during the COVID-19 epidemic. Custodial violence is another grievous issue that compromises the human rights of the prisoners. This situation continued despite guidelines enunciated by the Hon'ble Court in the D.K. Basu case to curb custodial violence. Torture, abuse, and deaths continue to happen in custody cases. The problem of a culture of impunity among the prison authorities that exists together with weak oversight mechanisms perpetuates the cycle of violence and violations of human rights.

Healthcare for prisoners in Indian prisons is also an issue of concern. Most of the prisoners are patients of long-term illnesses or mental conditions, and the healthcare structures within the prisons do not exist. Delays in medical aid, a lack of proper psychiatric services, and bad sanitation all play a role to the deteriorating health of prisoners. The right to health, when interpreted under Article 21 as falling in with the right to life, has been upheld by the courts; as illustrated by case *Parmanand Katara v. Union of India*, (1989);<sup>35</sup> however, much remains to be done practically to truly infuse the right to health into being and it remains another prime feature that is at the risk of ending the lives of prisoners.

With these systemic failures, the Indian prison system has failed to focus on rehabilitation and reintegration. Mainly, the rationale of imprisonment should be for rehabilitation and eventual reintegration of prisoners into society. On the other hand, vocational training, educational programs, or counseling services are out of the Indian prison system. The more this is not done, the higher the chances of recidivism and the prevalence of the crime-and-punishment cycle. The jurisprudence governing Indian prisons is archaic, more in the realms of the Prisons Act of 1894 which adequately lacks proper protection for prisoners' rights. Several committees have made recommendations for a reform towards making the prison laws more modern, thereby improving the conditions, and the most recent of these were the Justice Mulla

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<sup>35</sup> *Parmanand Katara v. Union of India*, (1989) 4 SCC 286.

Committee way back in 1983 and the Justice Krishna Iyer Committee in 1987. This really has not been done.

Given these challenges, the research paper aims to explore the key question: How do systemic issues within the Indian prison system contribute to ongoing violations of prisoners' rights, and what legal reforms are necessary to ensure compliance with constitutional protections? By analyzing the gap between constitutional guarantees and the lived experiences of prisoners, this paper will offer insights into the urgent need for reform. Addressing issues like overcrowding, custodial violence, inadequate healthcare, and the absence of rehabilitative measures is essential for aligning the Indian prison system with both constitutional and global human rights norms.

The Indian Constitution lays down a solid legal foundation for the protection of prisoners' rights, but systemic problems continue to break down the former. In trying to bridge this chasm between law and practice, possible practical solutions to India's prison reform problems are advanced. The paper will thus be contributing to the ongoing dialogue regarding human rights and the need for India to undertake prison reform.

## LITERATURE REVIEW

### **“Protection of Human Rights of Prisoners under Indian Constitution: An Overview” by Dr. Rahul Tripathi<sup>36</sup>-some aspects of literary review**

In "Protection of Human Rights of Prisoners under Indian Constitution: An Overview," Dr. Rahul Tripathi presents a comprehensive review of the rights bestowed upon prisoners regarding the Indian Constitution. The paper is keen to point out that the right to life and personal liberty is not only a physical existence but it extends beyond physical survival, essentially including the right to live with dignity. This perspective is very useful in understanding the broader implications of human rights within the context of imprisonment.

The author starts by describing what basic human rights are, maintaining that they are crucial for keeping the state democratic. He continues to voice that the right to life entails many needs like diet, clothing, shelter, and self-expression opportunities. The author uses this basic

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<sup>36</sup> Dr. Rahul Tripathi, *Protection of Human Rights of Prisoners under Indian Constitution: An Overview*, 7 INT'L J. MGMT. & SOC. SCIS. RSCH (2017).

assumption to discuss how these rights are violated within a prison system-the very institution, which is suffering from overcrowding, poor facilities, and denying proper access to legal instruments.

Tripathi looks in detail at specific constitutional provisions that protect prisoners' rights. Article 14 lays the principle of equality before law and equal protection, which can be described as fundamental to ensure the fair treatment of prisoners. The author draws attention to how courts have interpreted this article to classify prisoners into different categories on reasonable classifications to ensure similar cases are treated alike. This legal framework is significant for establishing a baseline for prisoners' rights and addressing discrimination within the prison system.

Article 19 guarantees several freedoms, such as freedom of movement throughout the territory, which is inherently restricted for prisoners. Tripathi discusses how these restrictions have to be balanced against the need for security and order within prisons. He argues that while some freedoms may be curtailed, it is essential that there be retention of the fundamental rights of prisoners to the fullest extent possible.

Article 21 provides the heart of the paper and is a litmus test for the prisoners' rights. To buttress this, Tripathi holds that Article 21 is more than mere existence; it ensures humane conditions which are vital for the rehabilitation of an individual. He also alludes to cases like *M.H. Hoskot v. State of Maharashtra (1978)*<sup>37</sup> and *Prem Shankar v. Delhi Administration (1980)*,<sup>38</sup> which have given a shape to judicial interpretations regarding prisoners' rights and have reinforced the necessity for humane treatment.

The author also explores prison and police manuals in ensuring prisoners' rights, where he reveals the significance of these documents as they guide toward developing an order which evinces knowledge of lawfulness. The author claims that manuals create obligations upon the administration of prisons to act according to the rules and safeguards established to protect inmates.

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<sup>37</sup> M.H. Hoskot v. State of Maharashtra, AIR 1978 SC 1548.

<sup>38</sup> Prem Shankar v. Delhi Administration, AIR 1980 SC 1535.

In sum, the paper by Dr. Tripathi forms an invaluable resource for analyzing the complexities surrounding prisoner rights in India. It balances very effectively the constitutional provisions with judicial interpretation and practical implications as involving the prison system. It highlights the challenges that prisoners continue to face in asserting their rights and simultaneously expresses the need for continuous reform in legal frameworks and prison administration practices.

Overall, this summary not only strengthens our comprehension of the rights afforded to prisoners but also encourages further attention and efforts toward making sure that these rights are respected uniformly across India's prisons. The paper is a significant contribution to the conversation regarding human rights in India, especially concerning one of society's most fragile groups: prisoners.

### **“An Analysis Of Prisoner's Rights In India” by Vijeta Kumari<sup>39</sup>**

Vijeta Kumari's paper, "An Analysis Of Prisoner's Rights In India," illuminates the legal landscape of prisoners' rights under the Indian system. She begins by outlining the constitutional provisions that serve as the bedrock for individual rights. These provisions, anchored on Articles 14, 19, and 21, provide a robust foundation for asserting prisoners' rights in India, instilling a sense of reassurance in the legal framework.

The paper, therefore, critically examines how these constitutional rights are often abrogated in practice. Kumari underscores the several kinds of discrimination that inmates, especially those from the marginalized sections of society, have to contend with. She reflects that though legal apparatus to safeguard the rights of prisoners exists, systemic problems such as overcrowding and lack of access to legal representation, besides deficient healthcare services, provide a ground on which these rights are often infringed.

Kumari also highlights judgments of the Apex Court of India that have defined and shaped the image of prisoners' rights in India. The cases, such as *Maneka Gandhi v. Union of India*<sup>40</sup> and *D.K. Basu v. State of West Bengal*<sup>41</sup> serve as beacons of hope, reaffirming the principle that even in prison, fundamental rights cannot be suspended. These are classic examples of how

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<sup>39</sup> Vijeta Kumari, *An Analysis of Prisoner's Rights in India*, 10 J. RES. HUMAN. & SOC. SCI. 386, 386–90 (2022).

<sup>40</sup> *Maneka Gandhi v. Union of India*, AIR 1978 SC 597.

<sup>41</sup> *D.K. Basu v. State of West Bengal*, (1997) 1 SCC 416.



judicial intervention has played a significant role in extending protections to prisoners, instilling a sense of hope in the legal system's ability to protect prisoners' rights.

Moreover, Kumari addresses international norms of human rights and their implementation in Indian law. Her comparisons are further fortified by drawing analogies between domestic laws and global instruments such as United Nations Standard Minimum Rules for the Treatment of Prisoners-the Mandela Rules. She uses comparative analysis to strengthen her argument by showing how obligations under international law may inform change in domestic systems.

More importantly, Kumari underlines some specific problems with Indian prisons, particularly about women prisoners, children in custody, and mentally ill inmates. She presses the case for adequately targeted responses to these exceptional situations with their rights respected at all cost.

In her conclusion, Kumari proposes wide reforms in terms of the prison scenario with an increase in accountability among the prison authorities. "Legislative reforms alone will not do. There is a need for a cultural shift in the penal system toward the recognition of prisoners as human beings with dignity and rights," she suggests.

In general, "An Analysis Of Prisoner's Rights In India" by Vijeta Kumari is an authority looking to apprehend the legal protections of a prisoner and systemic impediments that are coming in the way of those rights. The detailed study not only throws light upon the issues currently experienced but also provides direction for future policy changes toward improved protection of human rights in Indian prisons.

### **“Incarceration and Human Rights Violation” by Dipali Singh<sup>42</sup>**

This paper by Dipali Singh, "Incarceration and Human Rights Violation," looks into the human rights situation prevailing within Indian prisons. Beginning with the principle that the human rights must be held for every individual irrespective of their legal status as a prisoner, the paper aims at deeper analysis into how these rights get violated in prison but for the fact that prisoners have dignity behind the bars.

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<sup>42</sup> Dipali Singh, *Incarceration and Human Rights Violation* (Feb. 15, 2021), PROBONO INDIA, <https://www.probono-india.in/research-paper-detail.php?id=767>.

The paper has stressed torture and inhumane treatment inside prisons as a phenomenon, which is often ignored in criminal justice debates. Singh has constructed a minute detailing of all abuses done on the prisoners within physical aggression, psychological torture, and neglect of major requirements, such as food, water, medical treatments, etc. Such abuse does not only take place on an individual basis but also reflects systemic issues in the penal system with punishment rather than rehabilitation as a means.

This discussion is further contextualized within both national and international frameworks. Thus, the author refers to international human rights instruments that include the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, where rights of all persons, even those deprived of liberty, are confirmed. Such juxtaposition of international standards against Indian realities has led to the massive disparity between legal protections and actual practices.

One of the most critical themes of Singh's analysis is her focus on the judiciary's role in the issues of prison human rights violations. She refers to the cases in which the Apex Court of India has intervened to be able to establish prisoners' rights, quoting judgments where humane treatment and dignity have often been underlined. For instance, she points to developments wherein the Court ordered jail conditions to be upgraded and granted the right to legal assistance to be considered fundamental for all inmates to acquire justice.

Yet on another plane, Singh eloquently relates to the principle of non-discrimination by arguing that grossly vulnerable groups within the prison population-socially and criminally-are women, Dalits, and minorities. The intersectional approach enriches her analysis by illuminating how systemic inequalities extend into prison environments and exacerbate the challenges faced by already disadvantageous groups.

The paper concludes with the appeal for comprehensive reforms in the Indian prison system. Singh argues for policy change that puts emphasis on rehabilitation rather than punishment and primes the training of prison staff in human rights. She states that, legally as well as morally, it is required for the attainment of the purposes for a just society.

Incarceration and Human Rights Violation by Dipali Singh: Incarceration and Human Rights Violation is an important contribution toward unraveling the complex interplay between



incarceration and human rights in India. Her stateside widespread systemic abuse analysis at the same time advocates for the reforms necessary to accord dignity and respect to prisoners.

## **EXPANDED CASE ANALYSIS:**

### **Maneka Gandhi v. Union of India, 1978: A Case Analysis Introduction**

Maneka Gandhi case is a significant judgment by the Supreme Court of India ("Hon'ble Court") that significantly enlarged the interpretation of personal liberty under Article 21 of the Indian Constitution. A cause for this judgment came forth when Maneka Gandhi's passport was confiscated without any reason. She pleaded that her rights were infringed.

### **Facts of the Case**

Maneka Gandhi is a citizen of India. She received her passport on June 1, 1976. Her Regional Passport Office ordered her to surrender the passport with the phrase-"public interest" on July 2, 1977, without saying anything more. She filed a case under Articles 21 and 226 in the Hon'ble Court of India, arguing that there was a direct infringement of her right to personal liberty under Article 21.

### **Issues**

The principal issues for consideration were whether the impounding of Maneka Gandhi's passport infringed her right to liberty under Article 21, including the intersection between Articles 14, 19, and 21, and the validity of provisions under the Passport Act which permitted arbitrary acts on the part of the state.

### **Judgment**

On January 25, 1978, the judgment was pronounced by a seven-judge bench unanimously. It was held by the Court that the Article 21 can never be read in isolation but must be read concomitantly with Articles 14 and 19, which form the golden triangle of basic rights. This interlinking meant that any law or executive action impacting personal liberty needed to be compliant with all three of the articles mentioned above.

Thus, it upheld that the right to travel abroad is a part of the right to personal liberty under Article 21. Moreover, it was held that a law-established procedure must be just, fair, and reasonable. Further, the government must provide reasons for activities that affect individual

rights, thus vindicating principles of natural justice. This judgment effectively overruled previous interpretations from cases like *A.K. Gopalan v. State of Madras*<sup>43</sup>, which had considered these articles as mutually exclusive.

### Impact and Significance

The *Maneka Gandhi v. Union of India* ruling has a lot of implications for Indian law and society. It first generously expanded the Article 21 encompassing various other rights essential for living with dignity such as the right to privacy, education, and health.

This also brought about the "golden triangle," where violations of one fundamental right could have repercussions on others and, therefore, increase the scrutiny that judicial functions have over the actions of the legislature and the executive. This was one of the landmark cases where the judiciary activism in the country began to shift towards a more active role in India in protecting the rights of the individual against arbitrary actions of State.

After this judgment, there was much emphasis placed on lawmakers that laws relating to individual rights must be fair and transparent. This judgment was cited in several judgments subsequent to it, which also related to personal liberties and human rights in India.

### Conclusion

Maneka Gandhi case shines like a beacon in the constitutional law, reiterating the justification behind protecting individual liberties from arbitrary actions by the state. It did not just reverse the tide in interpreting fundamental rights but also served as an iconic example of the bench as a forerunner to future judicial battlefields in India on human rights. The judgment stands the test of time in proving the essence of the importance of the judiciary for the sustenance of democracy and consolidation of individual liberties within the constitutional framework.

## CASE ANALYSIS OF PARMANAND KATARA V. UNION OF INDIA (1989)

### Introduction

The judgment of *Parmanand Katara v. Union of India* (1989)<sup>44</sup> had a tremendous impact on the jurisprudence relating to the construction of the right to life and health under Article 21 of the Indian Constitution. A human rights activist Pandit Parmanand Katara filed a PIL which

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<sup>43</sup> A.K. Gopalan v. Government of India, 1965 SCC OnLine SC 115.

<sup>44</sup> Parmanand Katara v. Union of India, (1989) 4 SCC 286.

brought to the forefront the immediate need for medical help to accident victims and the legal bottlenecks that were preventing such help.

### **Facts of the Case**

This case was based on a sad incidence aired on the media, where a scooterist was seriously injured in a road accident but could not be treated at any hospital immediately due to procedural formalities concerning medico-legal cases. He was referred to a hospital which dealt with cases like this, and therefore, it took some more time, where he died. This led to Katara filing a PIL, seeking guidance from the Hon'ble Court for the treatment of injured persons without any legal technicality at the initial stage.

### **Legal Issues**

While the questions of law primarily before the Hon'ble Court were whether it was the obligation of the state to deliver medical care to those left injured by accidents upon the same, what such obligation entailed on Article 21, mainly in relation to the rights to life and liberty; the case also issues involved the role of the medical profession and of institutions during an emergency concerning patients whose treatment, the attendant circumstances under which they were to receive that treatment, could not be delayed.

### **Judgment**

On April 5, 1989 the Hon'ble Court pronounced its judgment making it amply clear that Article 21 also means not just a right to life but a right to live with dignity wherein comes the scope of accessing health care. The Court said that it was primarily the state's obligation to preserve life and doctors at both the public and private hospitals were to extend urgent treatment to injured persons without awaiting legal formalities or any investigation.

It decreed that when an accident victim arrives at the hospital for treatment, doctors should not consider rules and procedures before trying to save lives. Essentially, the judgment eliminated jurisdictional issues arising sometimes to deny or delay accident victims' timely medical care and declared that no hospital should ever decline to treat a casualty on the grounds of jurisdiction or due to complicated legal aspects.

### **Impact and Significance**

The *Parmanand Katara v. Union of India*<sup>45</sup> ruling had set profound implications for healthcare delivery in India. It established clear precedents that reinforce the duty of medical professionals to act swiftly during emergencies, so that medical ethics is brought into alignment with constitutional mandates. It has been instrumental in producing relevant policies in respect of emergency medical care and encouraging hospitals throughout India to put patient care above administrative hurdles.

It has greatly enriched the debate on the right to health as part of the right to life, particularly under Article 21. A judgment like this will serve as precedent when the court upholds the principle that every person has a right to receive medical treatment, irrespective of his or her legal or other situations, whenever the need arises.

This decision brought forth discussions regarding the reform of prevailing laws and practices in healthcare institutions, responding and holding accountable in emergencies. It brought to the fore the need for legislative changes that favor human life over procedural formalities.

## Conclusion

*Parmanand Katara* case is an important case in Indian jurisprudence on healthcare rights and responsibilities. The judgment drove home that there's a dire need for immediate and urgent medical care and it assumes an integral place within the wellspring of keeping life and dignity intact. The judgment not only reinforced constitutional protections but also gave a booster to further discussions about health rights in India, saying access to timely medical care is absolutely essential to upholding human dignity under constitutional law.

## CASE ANALYSIS OF D.K. BASU V. STATE OF WEST BENGAL (1997)

*D.K. Basu v. State of West Bengal* (1997)<sup>46</sup> was another landmark case in Indian legal history, concerning human rights related to police custody. D.K. Basu filed a public interest litigation based on alarming reports of custodial violence and deaths in West Bengal. The judgment of the Hon'ble Court redressed not only the present grievances of Basu but also provided more complete guidelines on protection of a man's rights at the moment of arrest and detention.

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<sup>45</sup> *Ibid.*

<sup>46</sup> *D.K. Basu v. State of West Bengal*, (1997) 1 SCC 416.

The judgment highlighted that custodial violence is a serious violation of fundamental rights under Article 21 of the Constitution that guarantees the right to life and liberty. The court acknowledged the fact that the dignity of human beings must be maintained irrespective of their legal status as detainees. This view resonates well with the larger framework of justice and human dignity, thereby reiterating that no one should be allowed to face inhuman treatment within the confines of custody.

In effect, one of the major takeaways from this case was the institution of explicit detailed protocols on how the police should observe themselves when making arrests. The Court required that the police officer must be able to show his identity clearly; he must write an arrest memo and notify a next-of-kin or friend on the arrest. These standards would give accountability and even transparency to the activities of law enforcement agencies, areas previously unfilled critical gaps that had enabled abuse to thrive unchallenged.

To this end, judgment served to stress the necessity of judicial redress for victims of custodial violence, to be able to seek claims against the state for violation of fundamental rights. This proved to be a decisive twist in legal attitudes towards custodial abuses, as it represented an argument serving the proposition that the state could not invoke sovereign immunity in the matters where agents of the state committed tortious acts to cause human rights violations.

The case also highlighted the inadequacies in the existing legal framework governing police conduct and custodial practices. It was only after this judgment that specific provisions or guidelines existed to handle custodial violence comprehensively. The Hon'ble Court judgment provided effective momentum for legislative reforms, which indeed have taken the form of amendments to the Criminal Procedure Code in 2008 including most of the guidelines set by this judgment.

Despite all this, however, problems continue to persist as instructions are not uniformly implemented in the given jurisdictions. Human rights organizations continue to report deaths by custodial violence, which only registers the trend that though laws may be present in bookish realms, their implementation is always ineffective. The case reminds us that reforms in law needs systemic changes within the machinery of law enforcers for the inculcation of feelings of responsibility and a sense of respect for the rights of individuals.

In short, D.K. Basu case is not a leading judgment in law only but also a much-needed commentary on responsibility by the state toward its people and the susceptible it holds within its custody. The case is the repetition of an urgent call for continued vigilance and reform that brings the ideas into action for rights instead of mere exercise of theory and remains the only point of reference for police reform and advocacy of human rights across India.

### **Constitutional Provisions**

The Indian Constitution does provide a strong structure for the protection of individual rights, as well as prisoners' rights. Where the machinery of court has curtailed the exercise of freedom, it cannot take away their basic rights from them. For this purpose, the following articles are very important:

#### **Article 14: Right to Equality<sup>47</sup>**

Article 14 ensures equality before the law and equal protection of the laws. The principle ensures that prisoners do not suffer unfounded discrimination while in jail. The Hon'ble Court has stated that prison regulations should apply to all inmates with no distinction as far as background is concerned. This article is therefore vital in preventing laws or practice that disproportionately affect certain groups of prisoners, thus upholding the dignity and equality of each person that streams into the justice system<sup>12</sup>.

#### **Article 19: Freedom of Speech<sup>48</sup>**

Article 19 guards various freedoms, among which is freedom of speech and expression. This right extends to prisoners too. Of course, these rights can be restricted to maintain order in correctional facilities; however, absolute deprivation is constitutionally not tenable. All courts have held that prisoners do retain some rights to express themselves, which is very important for their rehabilitation and reintegration into society<sup>13</sup>.

#### **Article 21: Right to Life and Dignity<sup>49</sup>**

One of the most important protections for prisoners, to say nothing of other things, is perhaps the right to life and personal liberty under Article 21. The Hon'ble Court has interpreted the right very expansively and postulated that it means the right to live with dignity i.e. the prisoners are entitled to humane treatment, adequate medical care, and protection against custodial violence. The Court has recently reiterated that stripping dignity from prisoners

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<sup>47</sup> INDIA CONST. art. 14.

<sup>48</sup> INDIA CONST. art. 19.

<sup>49</sup> INDIA CONST. art. 21.



remains one of the legacies of colonialism that were meant to strip of humanly features of those in control of the state.

### **Conclusion**

The Constitution has protected prisoners in India with an avowed testament to dignity and equality in the delivery of justice. Articles 14, 19, and 21 held together guarantee that even prisoners are not completely deprived of rights that keep their humanity alive. These judicial interpretations, while in turn evolving, find the grounds to place prisons not only as decamps for punishment but also as places of rehabilitation and respect towards basic human rights. This publicly-drawn dialogue over issues such as these finds the need to maintain a fair system that respects the inalienable dignity of each individual, irrespective of circumstances.

### **SYSTEMIC FAILURES IN INDIA'S PRISON SYSTEM.**

The Indian system of prisons is confronted with several systemic failures leading to the continued assault on prisoner rights. These ills signify failure, not inefficiency, but rather structural defects that could better guarantee the humane handling and rehabilitation of prisoners. After several reports, committees, and recommendations in the last several decades, it has not improved much. Some key issues include overcrowding, insufficient health care, custodial violence, and lack of rehabilitative programs.

#### **1. Overcrowding**

It is the most acute problem in Indian prisons and causes deplorable conditions of living. Indian prisons are reported to be operating at 118% capacity, with some states functioning at 150% capacity. Overcrowding alone poses a problem regarding a host of issues, beginning with the impossibility of providing minimum living conditions for the prisoners. The overcrowding environment where inmates outnumber the facilities is characterized by a failure on the part of prison authorities to offer basic food, water, and sanitation services required for human dignity.

Direct and overt effects of prison overcrowding revolve around the physical health of prisoners. Little space breeds poor ventilation, hygiene, and sanitation with high possibilities of infectious diseases setting in quickly. Such is the place where tuberculosis and skin infections make great thrive with almost no health care at the disposal of the prisoners. Sometimes, even clean water for drinking can be hard to come by, and preventable diseases abound in overcrowded facilities.

Overcrowding also has horrific effects on the mental health of inmates. With such closed spaces combined with stress created due to the imprisonment, an environment ready to germinate anxiety, depression, and other mental health problems emerges. Lack of privacy and personal space increases feelings of isolation and hopelessness and studies proved that the prisoners under overcrowded conditions tend to show violent behavior towards oneself and others more. It degrades the general prison environment leading to incidences of prison violence and unrest.

Although a number of committees and experts have suggested possible alternatives to overcrowded prisons, such as community service for small offenses, speedy trial and expedited disposal of undertrial prisoners, and bail laws, nothing much has been done with these proposals. The ground situation was that the government lacked both political will and resources that might have brought about some real changes in favor of reducing overcrowding.

## **2. Poor Health Care**

The healthcare system in Indian prisons is woefully inadequate. There is a severe shortage of medical professionals and resources, a shortcoming that would directly contravene prisoners' basic right to health, an integral component of the right to life. For instance, most prisons lack essential medical infrastructure, and inmates suffering from chronic illnesses or injuries often face long delays before receiving treatment. More depressing are the conditions in prisons for mentally ill inmates, in view of the fact that medical services provided in many prisons are next to nothing.

Rationing of doctors and nurses is the biggest issues in providing health care in prison setups. The ratio of doctors and nurses to inmates is exorbitantly low; thus, treatment is delayed and health needs are neglected in general. Even most prisons do not offer full-time medical physicians, but instead, use the services of outsiders who attend there periodically. As such, conditions go untreated, and they progressively deteriorate over a long time, such outcomes being disastrous at times, even to the extent of causing death.

The infamous COVID-19 pandemic exposed various vulnerabilities in the prison healthcare system. Overcrowded and dirty conditions of imprisonment made prisons zones of viral proliferation, and the insufficient availability of healthcare facilities led to a number of

avoidable deaths. The prison administration had still remained laughably unprepared in the face of the pandemic, with minimal access to medical supplies, testing kits, or personal protective equipment (PPE). Judicial interventions aimed at decongesting the prisons notwithstanding, such healthcare systems in prisons are still fundamentally underfunded and under-prepared to face health emergencies.

It should be imperative to expand discussion on mental health care in prison. Many prisoners have untreated mental health disorders that make situations worse because there are few mental health professionals within the systems. Many prisoners face high levels of stress, isolation, and anxiety later manifested as depression or violence, but the prison administration rarely addresses this due to a lack of awareness, resources, and trained professionals. This can be fundamentally traced to systemic negligence and a non-functional legal framework that is ineffective in establishing the necessity of psychological care for inmates.

### **3. Custodial Violence**

The most shocking human rights violation within India's prison system perhaps comes from custodial violence. Constitutional safeguards and mandates against such abuse exist, yet incidents of physical violence, torture, and custodial deaths keep happening. Most prisons resort to excessive use of force to establish dominance, which means that ultimately much physical and psychic abuse occurs among inmates. This cannot occur if accountability measures are in place and magistrates do not provide cover to prison authorities.

The psychological effects of custodial violence are extremely deep. Physical violence in prisons, in addition to accompanying emotional and psychological suffering, often leads to post-traumatic stress disorder, depression, and anxiety among the victims. Rather than teaching a lesson to change one's conduct, abusive treatment of prisoners usually drives resentment towards the system in general, thereby exacerbating the problem of recidivism. In addition, custodial violence cases also undermine the public trust in the criminal justice system because fear, violence, and trauma become interlocking and self-perpetuating circles.

Custodial violence is rarely reported either because the prisoners fear retribution by the authorities or because they do not have court redress. Weak oversight mechanisms within the prison system fail to deter such excesses. Often, the officers are not held accountable for such

behavior, and it digs even deeper into impunity cultures. Lack of independent oversight bodies and inadequately trained prison personnel add to the problem.

#### **4. Lack of Rehabilitation Programs**

One of the basic objectives of serving a prison sentence is rehabilitation of criminals so that they are included in society when their term is served. Indian prisons adheres to a punitive policy instead of one that focuses on rehabilitation and reintegrate. This punitive approach neglects the long-term welfare of prisoners and aids not in correcting the system that points them to criminal activity. Therefore, the cycle of crime persists since most of the inmates get rearrested after some time of release simply because they get little or no rehabilitation or opportunity once they leave behind the prisons.

Vocational training, education, or psychological counseling will equip and prepare prisoners in such a way that will assist them when released into society once again. Sad to say, such programmes do not exist in most Indian prisons or are very poorly implemented. Prisoners, especially long-term prisoners, stay behind bars for a number of years with no, or very limited, opportunities to engage in activities that may equate to enabling them to live better lives outside when freed. Most prisoners return to society with a high rate of recidivism because they leave prison without the proper tools or support for avoiding recidivism.

Additionally, the prison system is not left to progressive policies that may aim at rehabilitation in view of the administration's control and security obsession. Prisoners are generally treated as a source of security risk rather than an individual who may need reforming. This view, coupled with the strained resources within the prison system, leads to almost total neglect of rehabilitative measures.

The social implications of such a failure are immense. That is, if prisoners are not given the chance to reform and rehabilitate them, there will likely be a return to a life of crime, thereby continuing the cycle of incarceration. Many prisoners are let out to the same surroundings that forced them into criminal action in the absence of legislation set to change their ways. There is a lack of rehabilitation of a person against himself that harms the individual as well as poses a broader risk to society.

## INTERNATIONAL STANDARDS AND COMPARATIVE ANALYSIS

Compared to many international standards, the prison system in India is a far cry from them. Global standards set a framework of humane treatment and help protect the rights of prisoners—even while that person may be deprived of his or her liberty. International frameworks such as the United Nations Basic Principles for the Treatment of Prisoners, the International Covenant on Civil and Political Rights (ICCPR), and the European Prison Rules set the standards to totally respect dignity, well-being, and the rights of prisoners. The set standards also move to advance the rehabilitative purpose of imprisonment, looking toward the process of reintegrating the prisoners into society. The reality, however, is that the Indian prison system has yet to fall in line with these international norms—most notably in the spheres of rehabilitation, medical care, and safeguards against torture and mistreatment. The next section will outline these international frameworks and give comparative analysis of how the extant situation fares in India against international standards.

### **United Nations Basic Principles for the Treatment of Prisoners**

The Basic Principles for the Treatment of Prisoners, adopted by the UN General Assembly in 1990, provide a sort of beacon guiding prison systems worldwide. These principles take the view that, even after incarceration, prisoners retain most of their basic human rights, such as being treated with respect and dignity. The first principle states explicitly, "All prisoners shall be treated with the respect due to their inherent dignity and value as human beings." In tandem with this, Article 21 of the Indian Constitution ensures that the right to life and personal liberty cannot be taken away except according to procedures established by law.

Despite all this, where the essence of these principles coincides with the Constitution of India, the problem lies in the harsh realities of Indian jails that indicate that this ideology is a long way away. Overcrowding Custodial violence Poor healthcare that affronts the inherent dignity of the prisoners on a day to day basis. Here lays a problem; due to the focus of Indian prisons primarily on punishment, this core UN principle about showing humane and rehabilitative approach towards the prisoners gets quite undermined.

The United Nations Principles lay emphasis also on reforms of prisoners and reintegration into society. Rehabilitation is sadly lacking in India. Vocational and education programmes being there at all are, therefore grossly underfunded and poorly administered. Thus, prisoner

preparation for life outside bars suffers sadly and allows a disastrous cycle of recidivism directly opposite to international standards whereby rehabilitation precedes punishment over any other consideration.

In addition, the United Nations underscores non-discrimination by noting that all prisoners should be treated alike, regardless of color, creed, sex, or social status. In India, however, the entrenchment of discriminate practices within the prison system continues unabated, where marginalized communities, especially Dalits, Muslims, and other disadvantaged groups, are made to suffer. Prisoners from marginal sections of the society are at best viewed as an addendum to the evils of a larger society. The inability to arrest these inequalities is a violation not only of constitutional principles in India but also of international commitments.

### **International Covenant on Civil and Political Rights (ICCPR)**

The International Covenant on Civil and Political Rights (ICCPR) is a treaty to which India is a signatory, ensuring the observance of many civil and political rights to prisoners. Article 10 of the ICCPR directs that, "All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person." While India's signing of the ICCPR theoretically reflects a commitment to international human rights norms, the conditions in Indian prisons tell a very different story.

The most significant inconsistency between the obligations of India toward the ICCPR and its real prison system lies in custodial violence. Despite protections from the Constitution under Article 21 and Article 22(1) that shield individual liberty and protect against arbitrary detention, custodial violence remains widespread. Cases of torture and inhuman treatment, even death in custody, happen with tragic regularity. In such cases, India fails not only to meet its constitutional obligations but also breaches its international commitment under the ICCPR.

Another very important factor of the ICCPR is on offering of adequate conditions of confinement. Article 10 points out that prisoners should be treated with dignity, including access to health care, adequate nutrition, and decent living conditions. In India, overcrowding in jails, lack of proper medical facilities, and improper toilets abhor the very spirit of these rights. Most Indian jails are grossly overcrowded, with populations exceeding their capacity by more than 100%, creating conditions so inhuman that inmates deteriorate both physically



and mentally. Tuberculosis and a host of other diseases thrive so easily under such conditions that proper medical care is rarely available for all the afflicted.

The ICCPR also demands the segregation of different categories of prisoners depending upon the nature of offenses and the respective dangers they posed to the society. This too remains a rare practice in India, wherein many of the undertrial prisoners often remain with hardened criminals by their side, thus exposing them to violence and exploitation. This inability to classify prisoners on a differential scale exacerbates the already problematic issues related to prison management and further erodes the rights of prisoners to safety and dignity. In this regard, India transgresses both its international obligations and its legal structure domestically.

The ICCPR is purposefully rehabilitative rather than punitive; it projects reintegrating prisoners into society upon release. However, Indian imprisonment is more of punishment without rehabilitation. It is less tuned for imparting skills and resources to prisoners during imprisonment so that they may revert to society once the imprisonment term has expired. Thus, the probability of recidivism is quite increased because released prisoners usually revert to circumstances that led them to imprisonment initially, without any tools or resources to change those ways of behavior.

### **European Prison Rules**

Though strictly applicable to European countries, the European Prison Rules apply widely throughout the world concerning prison condition assessment. The rules set forth standards that are high for prison administration in terms of human rights, health care, rehabilitation, and transparency. The rules are particularly instructive when considering prison reform in places like India, where most conditions fail to measure up to international criteria.

Most importantly, one of the greatest differences that stand out between the European Prison Rules and the Indian prison system is rehabilitation. The European model is set on providing education training and rehabilitation, aware that the process of imprisonment is intended to prepare prisoners to return to society. The Indian model contrasts mainly with the European model. While some of the Indian prisons do have vocational training and educational classes, such efforts are limited and not well provided.

Most inmates spend years incarcerated without acquiring any new skills or educational qualifications. With this, their chances of reintegration into society after serving their sentences remain low.

One of the main points that the European Prison Rules highlight as far as transparency and accountability are concerned in the prison system. There are oversight bodies that have been entrusted with the inspection of prisons for ensuring that the rights of prisoners are properly looked into and that every issue that may arise to interfere with such rights is resolved. India does not have a holistic oversight machinery. The custodial violence and infringement of other rights were mandated to be investigated by the National Human Rights Commission, which has often offered intervention that is essentially reactive rather than preventive in nature. Additionally, the prison authorities do not always follow the NHRC suggestions, and many violations remain unaddressed.

Health care is another dimension where the European Prison Rules are very strict. The European Prison Rules insist that prisons should provide the same standard of health care as there is in the community, with special attention to prisoners' mental health. While Indian prisons have increasingly recognized the psychological impact of imprisonment, there has been hardly any mental health care provided within prisons. Most prisoners with mental health problems are not treated at all, and stigma surrounding a disorder serves to worsen that condition. There lacks professionalism in mental health professionals and infrastructure, which results in mainly submitting the prisoners to their conditions without being given support. This does not only flag a grave violation of prisoners' rights but also leads to a further deterioration in prison conditions.

The European Prison Rules further outline the necessity of protection for sensitive groups within the prison system, such as women, juveniles, and disability. In India, these vulnerable groups are ignored instead. The problems with women inmates are extraordinary, with bad health care, poor sanitation facilities, and no support structure for pregnant women or even nursing mothers. Many juveniles are also in adult prisons, though laws are already there that prohibit it, where young adults are exposed to dangers and exploitation. When it comes to prisoners with disabilities, they often lack proper facilities and support to make their prison term even more grueling.

**Need for Reform**

The glaring disparities between India's prison system and international standards, as approved by the United Nations, ICCPR, and European Prison Rules, lay bare the need for comprehensive reform within prisons urgently. The endemic conditions of overcrowding, the absence of healthcare facilities, custodial violence, and failure in rehabilitation need to be dealt with immediately to bring Indian prisons within the fold of global human rights norms. These reforms do not have to be done merely to meet international obligations but also to satisfy all the principles of the Indian Constitution.

India needs to invest in independent oversight mechanisms to see that the rights of prisoners are protected. Accountability is an antidote to abuses of power, and enabling good governance within a transparent and well-regulated prison system is the key to maintaining the rule of law. Reforming prisons requires giving paramount importance to the dignity, health, and well-being of prisoners-to acknowledge that despite incarceration, they continue to be entitled to their basic human rights.

In conclusion, India has a long way to go in terms of bringing its prison system into international standards. From clear guidelines for improving prison conditions and rehabilitation, healthcare, and protection from abuse, these stand to be offered by the United Nations Basic Principles, the ICCPR, and the European Prison Rules. Adopting them through meaningful reforms will serve as a basis for a prison system that respects human dignity and upholds the tenets of justice, fairness, and equality.

**Recommendations of Legal Reforms**

Legal reforms are an urgent need to ensure that the prison system of India is both in terms of constitutional requirements and that of international human rights. Though laws and rules are present, the current status of Indian prisons remains worrisome because of systemic failure, which hampers prisoners' basic rights and dignity. Hence, reforms regarding such specific points are in demand. The following recommendations are: decongesting prisons, improvement in health care, strengthening accountability for custodial violence, rehabilitation programmes, and compliance with international standards.

**1. Decongesting Prisons**

Overcrowding is one of the most serious issues in Indian prisons, where the prison population overshoots capacities at most of the facilities. Reforms in legislation should reduce the population inside the prison by promoting alternatives to custodial imprisonment, most distinctly for non-cognizable and minor offenses. In its recommendations, the Justice Amitava Roy Committee, set up to suggest prison reforms, insisted that it is high time India be looked into, for minor offenses, instead of landing behind bars, community service could be used or house arrest or monetary penalties.

Among the several reasons for overcrowding is the undue increase in the number of undertrial prisoners who form more than two-thirds of the total prison population. Many of these prisoners are involved in judicial processing for a unacceptably long period. Instead of staying back for months or even years, they are sped up in judicial processing and special courts are established for minor offenses so as to reduce the pressure on prisons. Secondly, reforms in the form of putting in place easier bail processes will ensure that many people, especially disadvantaged and vulnerable persons in society, are released to continue their trials.

In addition to all these measures, parole and pre-release initiatives for non-violent criminals—those near their release—would be more of a rational step in reducing the population of prisoners. Availability of appropriate monitoring with the programs should ensure that released prisoners are accessed to rehabilitation and reintegration services to facilitate minimal chances of recidivism.

## **2. Enhanced Prison Healthcare**

Indian jails are grossly underfunded and suffer from a severe lack of funding, which makes important violations of the right to health of prisoners in their custody—a concept that is integral to the right to life under Article 21 of the Constitution. Many prisoners are denied treatment when they are medically urgent in need of it, and mental health care is virtually nonexistent in most jails. A holistic policy for care at a physical as well as mental level for inmates within the prisons would rectify this problem.

Mirroring important provisions of the Mental Healthcare Act of 2017, one would have hoped for the Prisoners' Healthcare Act to provide medical treatment, timely and appropriate to be given to prisoners. This should include check-ups on health, medicines, and managing chronic diseases. Lastly, mental health facilities should be offered by this Act as well. These mental

health experts should be appointed in all the prisons as well, so that any inmate possessed by such mental health problems, depression, anxiety, or post-traumatic stress disorder, can be provided with counselling, therapy, or medication accordingly.

It has been pretty evident during the COVID-19 pandemic period that prisoners are very vulnerable to infectious diseases and proper sanitation and hygiene facilities in any prison institution are a need. Proper health care infrastructures must be evolved for any future crisis management, as it includes isolation wards, qualified medical personnel, and emergency care services. Every citizen is meant to be treated with dignity, and adequate health care forms an integral part of that.

### **3. Custodial Violence Accountability Mechanism**

Improvement of custodial violence, including torture and deaths in custody, remains the most shocking feature of Indian prisons. constitutional protection and numerous Hon'ble Court judgments dealing with torture do not seem to be enough, as the practice continues unabated, mainly because no accountability is established. Strengthened oversight and accountability mechanism has long been awaited to make the prison officials answerable to violence-driven events.

First must be the setting up of independent independent review bodies, Prison Ombudsmen, to hold an inquiry on allegations of custodial violence and abuse. They must have a mandate both to investigate and to prosecute prison officials who commit torture or other abuses, thereby being free from any interference by the prison administration and report directly to the NHRC or similar bodies.

Apart from this, CCTV camera should be fixed in all areas of the prison and holding cells and interrogation rooms to prevent cases of torture or ill-treatment. The Hon'ble Court of India has already suggested the installation of CCTVs within the prisons to establish it as more transparent and to curb custodial violence of which the work has been very slow. To ensure these cameras are in good operating condition, frequently monitored, and thus, deter prison officials from misusing their authority.

Units for prisoners' rights should be formed in all states within the federal fold of the federation to regularly inspect prison conditions and investigate any cases of violence and maltreatment.

These units must have powers to allow disciplinary measures or even criminal charges to be lodged against the prison personnel who infringe on the rights of the inmates.

#### **4. Rehabilitation Programmes**

Prisons should serve as institutions both to punish and to rehabilitate the offender. The Indian prisons, however, are mainly adopted to punish the offender. Rehabilitation and reformation are rather subsidiary goals. The recidivism rate in Indian jails is very high because prisoners who do not have adequate education and skills at the time of being released into society go back to committing crimes. It is because there is no built-in structured rehabilitation program. It can be changed only by providing vocational training and educational programs within prisons. Such programs should aim at giving skills to prisoners so that they do not return to crime upon release. Courses on literacy, carpentry, plumbing, electrical work, and other such trades would really open up improved prospects for gainful employment for a prisoner. Yet another area of improvement is in the provision of online course administration and educational institution collaboration for inmates' higher education pursuits behind bars.

Besides vocational and educational training, psychological counselling services are essential in dealing with emotional and mental traumas prisoners face. Counselling services should be provided easily to assist inmates process the experiences they are having and develop healthy coping mechanisms. Inmates' mental health needs can be handled not only to change the positive well-being of inmates but also solve the problem of violence and unrest that prisons may have.

Furthermore, the post-release support programs must ensure that the ex-offenders return into society smoothly and continue living productive lives. These programs could be held in the form of job placement services, mentorship opportunities, and social support networks to restore former prisoners into society efficiently. Diminishing the stigma associated with imprisonment is fundamental in making sure former prisoners find employment and housing, minimizing the opportunities for recidivism.

#### **5. In accordance with International Principles**

India is a signatory to many international human rights conventions, including the International Covenant on Civil and Political Rights and United Nations Basic Principles for the Treatment of Prisoners, providing tremendous emphasis on humane treatment of prisoners and



rehabilitation rather than punishment. India even holds these commitments and upholds them in the present prison system.

The urgency that such changes must occur in Indian domestic laws to be in harmony with the international human rights needs be dealt with most critically. This demands legislative amendment toward accommodation of principles established within the cases of ICCPR and other international conventions into the domestic law. Specifically, these amendments relate to humane treatment for prisoners and to improve their living conditions, healthcare, and rehabilitation programs.

Regular independent international and domestic inspections of prisons, involving United Nations Human Rights Council representatives among others, should become mandatory and give inspectors the facility to inform prison authorities regarding areas that require reform in conformity with minimum human rights standards.

In addition, India should ratify the Optional Protocol to the Convention Against Torture (OPCAT), establishing a mechanism of regular visits by international and national bodies to places of detention. The ratification of OPCAT would reflect India's intent to foreclose custodial violence and ensure that its prisons function within human rights standards.

Now, India stands at that crossroads for reform of its prison system, lifting prisoner rights and dignity or allowing current inhumane conditions to persist. The recommendations made at the conference-decongesting prisons, improving healthcare, strengthening accountability for custodial violence, enhancing rehabilitation programs, and aligning domestic laws to international standards-reflect a holistic approach toward system overhaul. These reforms require positive political will and public awareness as prisons have otherwise flown under the radar on discussions about justice and human rights.

India, being an optimal reform of prison systems, has the unique opportunity of fulfilling its constitutional obligations to human rights and setting standards for human rights leaders globally in the reformation of criminal justice systems. The future is clear: respect for human dignity must lie at the core of how the nation approaches incarceration. Through concerted legal reform, India can transform its prisons from institutions of punishment into places of rehabilitation and hope.

## CONCLUSION

The Indian Constitution guarantees fundamental rights to all individuals, including prisoners, but systemic issues within the prison system continue to result in widespread violations of these rights. Overcrowding, inadequate healthcare, custodial violence, and a lack of rehabilitation programs all contribute to the failure of the state to protect prisoners' dignity and human rights. While the judiciary has played a remarkable role in expanding the scope of prisoners' rights through landmark rulings, the implementation of these rulings remains inconsistent.

To address these systemic failures, comprehensive legal reforms are necessary. These reforms should focus on reducing overcrowding, improving healthcare, strengthening accountability mechanisms for custodial violence, and prioritizing rehabilitation. By aligning its prison system with international human rights norms, India can better ensure that prisoners' constitutional protections are upheld, reflecting the nation's commitment to justice and human dignity.

