
ARTICLE 21 OF THE INDIAN CONSTITUTION: A SAFEGUARD AGAINST ARBITRARY DETENTION, CUSTODIAL VIOLENCE, AND TORTURE OF PRISONERS

Shivani Tripathi, Assistant Professor, City Academy Law College, Lucknow (Affiliated to University of Lucknow)

ABSTRACT

Article 21 of the Indian Constitution isn't just a line in the law books—it's the backbone of human rights protection in India's criminal justice system. Over the years, the Supreme Court has made it clear: even if someone ends up in prison, they don't lose their basic human dignity or rights. Article 21 doesn't just mean the right to stay alive. It covers living with dignity, getting legal help, facing a speedy trial, and being safe from cruel or degrading treatment. This research paper dives into how India's courts have shaped and expanded the rights of prisoners, focusing on key Supreme Court decisions. Take *Sunil Batra v. Delhi Administration (1978)*—here, the court called out torture, solitary confinement, and other inhumane prison practices as outright violations of Article 21. That case changed prison law for good. And when you look at *D.K. Basu v. State of West Bengal (1997)*, the judges set out clear rules to curb police brutality and custodial deaths, putting accountability and transparency front and centre. In *Hussainara Khatoon v. State of Bihar (1979)*, the court pushed for speedy trials and decent treatment for undertrial prisoners. Then, in *Prem Shankar Shukla v. Delhi Administration (1980)*, they said handcuffing prisoners is a blow to their dignity, unless there's a strong, specific reason. By looking at these rulings, you see how the courts turned Article 21 from a constitutional idea into a real force for social justice. Recognizing prisoners' rights under Article 21 doesn't just keep government power in check; it also supports the human-centred values at the heart of India's Constitution. In the end, real prison reform and holding authorities responsible aren't optional—they're essential to truly protect life and liberty for everyone.

Keywords: Prisoners' rights, Custodial violence, Supreme Court Jurisprudence, Human Dignity, Constitutional Protection

Introduction

Purpose

The study aims at probing deeper than what Article 21 writes and pondering the question of what happens to an individual after the prison door closes behind him/her. It is not merely to catalogue rights but to follow through the history of how gradually and occasionally crushingly the Supreme Court has insisted on the rights-bearing personhood of a prisoner, and not on his wardship. In that way, the paper discusses the manner in which Article 21 has been expanded, pushed and eventually broadened to address arbitrary detention, custodial violence as well as torture, particularly in a regime that is still influenced by colonial days on the prison laws.

The most interesting part of this trip is that time and again the Court has stated that basic rights are not ceased by the prison door they merely acquire a new and more susceptible shape. The study, then, draws its foundation on the broad constitutional knowledge that all the state power including the police, prison authorities, magistrates are under the same constitutional discipline when it comes to handling those behind the bars. Judicial insight has worked fruitfully to give life to the sparse wording in Article 21 that has become a dynamic assurance to humane treatment, dignity and basic care, even during custody. However, all should not be well in the world of reality as overcrowded cells, poorly equipped healthcare centres, mechanical application of solitary confinement and the increased number of deaths in custody prove that all structures have their flaws that judicial directives cannot fix. By closely examining the case law and developing trends of jurisprudence, the research work aims to see just how much judges have indeed transformed the inmate experience so that the principle of benevolent justice under the Constitution remains a work in progress.

Methods

The research approach includes a doctrinal approach since the history of the rights of prisoners in India is, in essence, a history written in sentences, laws and constitutional formations instead of statistics and interviews in the field. Analysis is based on mainly close interaction with articles 14 19 20 21 22, which may be considered as a complex guarantee so that even an accused one or even a convict cannot be lowered into a state power object. ***Post-Maneka Gandhi v. The case of Union of India (1978)***, in which procedure established by law was rethought to entail a procedure that is both fair, just and reasonable, was the logical beginning;

nearly all significant cases involving any right that prisoners may take since then rely on this broadened conception of Article 21.¹

Statutory provisions like the Prisons Act 1894, Prisoners Act 1900 and Model Prison Manual 2016 are discussed to determine how the control-based approach of the colonial structure has been burnt down over the years or interpreted in the light of the constitutional requirement. The discussions of these texts focus on the substantive due process and proportionality through questions that are whether limits on liberty within the prison is rationally and humanely justified or whether it constitutes administrative convenience. Secondary sources - major commentaries on the constitutional law and articles in specialized journals on custodial violence and prison reform are used to place the Indian experience into wider human rights arguments and indicate those areas where the courts borrowed or digressed in international standards like the Nelson Mandela Rules.

Methodologically, the study has three steps through which it takes place. One, it charts some of the important cases of Supreme Court determinations made by *Sunil Batra and Prem Shankar Shukla* up to *D.K. Basu* and even more recent *Suo motu* determinations of inhuman conditions of prisons, showing how each ruling introduces yet another dimension to Article 21. Secondly, it performs a normative review of the language and argument of the Court with special attention to such notions as dignity, non-arbitrariness, and positive duties of the State. Third, it compounds critically on the implementation through reading these findings alongside NHRC data, government reports, and contemporary accounts of custodial torture thus facing the ugly fact of the discrepancy between law and practice in lock-ups and prisons.

Key Findings

The initial and maybe the most impressive point is the fact that the Supreme Court decisively has left behind an exclusive, textual interpretation of Article 21 regarding prisoners. Based on *Maneka Gandhi*, on any limitation on liberty, the Court has viewed any of these handcuffing, solitary confinement or denial of medical care as suspect to the test of fairness, reasonableness and not arbitrariness. In the indicated sense, the process of going through custody into constitutional guardianship is not rhetorical, but is manifested through the manner in which the

¹ *Hussainara Khatoon v. State of Bihar*, (1979) 1 S.C.C. 81 (India).

Court has changed long-established practices within jails and police stations.²

The denial of the daily bodily confinements and humiliating treatment is one of the potent lines of this jurisprudence. Routine handcuffing in *Prem Shankar Shukla* was considered intrinsically inhuman and therefore infringing the Article 21 unless there were some specific and documented reasons related to the behaviour and profile of the risk shown by the prisoner. In line with this, in *Sunil Batra (I)*, the Court cited the extended or automatically enforced solitary confinement as a direct attack on human dignity and said that such action needed tight scrutiny and in most instances judicial sanction. All these decisions undermined the assumption that the issue of security could rather readily override the rights of individuals within prison walls, which was the default position historically.

The second significant line is the broadening of such concepts as life and personal freedom to include psychological and emotional comfort, not physical existence. *Sunil Batra (II)* has used the instruments of the international law of human rights and international law and has expressed the view that torture is abomination of civilization, with the Indian acts, which fall parallel to the international law prohibiting inhuman, cruel, or degrading treatment. This interpretative step assisted the Court in stating the rights of the prisoners to decent living condition, security against any arbitrary use of violence by the staff or other inmates, and medical treatment as a part of Article 21.

The third significant finding has to do with procedural protection against custodial torture, and D.K. Basu is a watershed. The set of rules established - identification labels to arrest officers, memo of arrest signed by a friend or relative or another respectable person, obligatory medical test, immediate notification to a family member or friend - turned constitutional theory into a practical checklist of police actions. In effect, these directions also established a system of vicarious state liability and compensations in situations where injury or death was caused through violation

The fourth discovery is related to the acceptance of speedy trial and legal assistance as unnegotiable points of Article 21. The Court intervention in *Hussainara Khatoon* resulted in the release of high levels of prison under trials who spent years in jail after committing small crimes and in most cases longer than the sentence they were charged with. The Court redefined

² *Prem Shankar Shukla v. Delhi Admin.*, (1980) Supp. S.C.C. 219 (India)

delay and a laxness in the criminal process as a constitutional malfeasance and not as administrative failures by connecting access to free legal assistance and timely adjudication to right to life and personal liberty is a direct connection.

The paper also indicates a new trend where the Supreme Court has assumed *Suo motu* cognisance of the state of prisons as evidenced in case such as *Re: Inhuman Conditions* in 1382 Prisons. Guidelines regarding overcrowding, mental health treatments, sanitation, vocational training, and miscellaneous settlement of deaths occurring in custody demonstrate a movement away to case-specialized relief to change of system. Simultaneously, NHRC statistics and independent research indicates that custodial deaths and torture are still disturbingly common, with thousands of deaths recorded during the last years and India classed as high risk in terms of custodial brutality in world destinations list. This conflict between hard judicial utterances and hard ground realities is amongst the most sobering findings in the course of the research.

The other theme that comes across is the continued presence of implementation gaps. A lot of the Court procedures and dictates relating to arrest, interrogation and prison management are not internalised in the police-station or district-jail level in many cases, because of lack of proper training, internal accountability, and ingrained culture of impunity. The pre-independent laws of the colonial era such as the Prisons Act, 1894 with their focus on discipline and control over rights and rehabilitation still have an influence on the management of prisons and only have been amended haphazardly to meet the demands of the constitutional provisions .

Lastly, the study highlights the bi-polarity of judicial activism in the area. On the one hand, without proactive courts, and without the vehicle of public interest litigation most 25 of these rights would probably have been lying citizens. Conversely, the dependence on judicial guidance in the non-sustained law-making or executive ownership has resulted in a model that is rich normatively but weak constitutionally. There have been declarations of rights, occasionally rhetoric, yet their practical application still remains within the discretion of those very agents of the state the action of which the Constitution is designed to check.

Through taking a big picture of the separate instances, we have what amounts to a constitutional story where Article 21 has managed to be redone decisively but gradually toward those most at risk to state authority namely prisoners and detainees. In cases such as *Sunil Batra, Hussainara Khatoon, Prem Shankar Shukla and D.K Basu*, there is an insistence by the

Supreme Court that imprisonment is a limitation of freedom, rather than a renunciation of personhood, and that dignity accompanies a person even in the most inverted and devoid dungeons of the carceral apparatus. This branch of jurisprudence takes the criminal justice system off a strictly punitive approach and onto the model based on constitutional morality, rehabilitation, and respectfulness to the fundamental humanity of all persons.

However the persistence of custodial violence, overcrowding and lack of basic facilities is a sharp rebuke to the clear understanding that judicial utterances will not make much difference in changing systemic arrangements. The effect of even the most liberal decisions is damped in legislative sluggishness, the obsolete laws about prisons and a culture of low accountability such that there is still a disheartening disjunction between statutes on the books and the statutes in practice. This gap will require interventions on a vast scale: thorough reform of the penal system, updating the prison law, autonomous control, and the shift of institutional cultures towards regarding the adherence to Article 21 as not mandatory but rather a professional and moral standard.

Ultimately, a constitutional democracy is judged more by its treatment of its captives than it can speak. It does not only mean protecting the rights of the prisoners under Article 21, so that no torture or death in custody can be imposed upon the prisoner: it is a daily reaffirmation of the fact that the power of the State to punish is never beyond the irreducible claim of the prisoner on his dignity and life. Once that balance is really observed in practice we find our prisoners safe and the Constitution itself made the more real in the lives of those it purported to secure.³

Development of Article 21 for Incarcerated Individuals

Article 21 of the Indian Constitution states, "No person shall be deprived of his life or personal liberty except according to procedure established by law," and serves as a paramount fundamental safeguard. Nonetheless, its interpretation has undergone significant evolution since the Constitution's enactment. Originally interpreted restrictively, it has gradually broadened to include a diverse range of substantive rights, particularly concerning the treatment and dignity of inmates.⁴

³ <https://www.drishtiias.com/daily-updates/daily-news-analysis/custodial-violence-in-india>

⁴ *Maneka Gandhi v. Union of India*, (1978) 1 S.C.C. 248 (India)

Initially, the Supreme Court interpreted Article 21 in a limited manner in *A.K. Gopalan v. State of Madras* (1950). The Court determined that human liberty may be restricted if there exists a legal framework outlining the method, irrespective of the system's fairness or rationality. This formalistic perspective shielded legislative actions from meaningful judicial examination. The Court saw basic rights as separate entities, declining to reconcile Article 21 with Articles 14 and 19. Consequently, inmates, once properly held, were believed to have sacrificed most of their rights, as long as their custody was "according to procedure established by law."

The inflexible methodology underwent significant transformation after *Maneka Gandhi v. Union of India* (1978). The Court integrated the idea of substantive due process into Article 21, reading it in connection with Articles 14 and 19. The ruling asserted that any legislation restricting an individual's liberty must adhere to procedural legality and satisfy the criteria of rationality, justice, and non-arbitrariness. This momentous judgment converted Article 21 into a storehouse of diverse human rights, opening the path for its application to prisoners and detainees.

Following *Maneka Gandhi*, the Supreme Court started on an era of judicial activism, expanding the meaning of Article 21 to embrace the rights of individuals behind prison. In *Sunil Batra v. Delhi Administration* (1978 & 1980), the Court decided that inmates are not bereft of their basic rights upon imprisonment save for constraints inherent to confinement. The court denounced practices such as solitary imprisonment and harsh treatment, saying that punishment cannot erode human dignity. Justice V.R. Krishna Iyer underlined that "convicts are not denuded of their fundamental rights," advancing the idea that prison circumstances are open to constitutional examination.

Similarly, in *Francis Coralie Mullin v. Administrator, Union Territory of Delhi* (1981), the Court ruled that the right to life comprises the right to live with human dignity and includes within its purview the right to basic requirements and decent circumstances. Even those arrested under preventative detention statutes were considered as holding these basic rights. This argument was developed in *Charles Sobhraj v. Superintendent, Central Jail* (1978) and *Sheela Barse v. State of Maharashtra* (1983), extending safeguards against custodial assault and highlighting the State's obligation to provide humane prison circumstances.

The growth of Article 21 therefore shifted the judicial stance from one of passive legality to active protection of prisoner rights. It acknowledged that incarceration did not deprive a person

of their humanity. By understanding “life” to imply a life of dignity, the Court recognized that the Constitution’s protection extends even to those behind bars – a confirmation of India’s commitment to human rights and constitutional morality.⁵

Protection Against Arbitrary Detention under Article 21

Article 21 of the Indian Constitution states that “No person shall be deprived of his life or personal liberty except according to procedure established by law.” Over the years, court interpretation has developed to guarantee that this “procedure” is neither arbitrary, unjust, or irrational. Among its various facets, one of the most notable improvements has been the protection against arbitrary and protracted incarceration, notably of undertrial detainees. The court has always underlined that human liberty cannot be lightly limited by unlawful detention⁶.

The groundwork for this protection was created in the landmark case of *Hussainara Khatoon v. State of Bihar (1979)*. This case brought to light the appalling predicament of thousands of undertrial detainees languishing in Bihar’s prisons for durations longer than the maximum penalties for their claimed offenses. The Supreme Court, speaking via Justice P.N. Bhagwati, held that the right to a speedy trial is an important and fundamental aspect of the right to life and personal liberty under Article 21. The Court ordered the release of such undertrial detainees, stating that procedural delays and administrative inefficiencies cannot justify the ongoing restriction of liberty. This case represented a turning point, converting Article 21 into a dynamic source of protection for people against arbitrary State action.⁷

Expanding upon this concept, the Court acknowledged that incarceration before trial should not act as a form of punishment. In *Raghbir Singh v. State of Bihar (1986)*, the Supreme Court maintained that the rejection or denial of bail without reasonable explanation amounted to a violation of Article 21. The Court highlighted that “bail is the rule and jail the exception”, therefore stressing that pre-trial confinement should occur only when absolutely required. This ruling obliged court authorities to present reasoned instructions when rejecting bail, improving openness and accountability in decisions impacting personal liberty.

⁵<https://cdnbbsr.s3waas.gov.in/s3ec03333cb763facc6ce398ff83845f22/uploads/2025/10/2025100798.pdf>

⁶ *Maneka Gandhi v. Union of India*, (1978) 1 S.C.C. 248 (India)

⁷ *Hussainara Khatoon v. State of Bihar*, (1979) 1 S.C.C. 81 (India)

While the Court acknowledged the right to a speedy trial in *Hussainara Khatoon*, it faced the practical difficulty of setting acceptable timetables for completing criminal procedures. The issue was reviewed in *P. Ramachandra Rao v. State of Karnataka (2002)*, when the Court found that no hard time limitations could be established for trials owing to differing complexity of cases and systemic constraints. Nonetheless, it held that prolonged or disproportionate delays that harm the accused would violate Article 21. The Court urged trial courts to practice careful case management and permitted higher courts to invalidate proceedings if delay made the prosecution unjust or oppressive.

Together, these cases have strongly cemented the idea that liberty cannot be surrendered at the altar of procedural inefficiency. Arbitrary or protracted imprisonment is legally unlawful, since it not only contravenes procedural fairness but also offends the dignity of the person - a virtue important to Article 21. Today, the safeguard against arbitrary detention remains as a bulwark against State abuses, reiterating that incarceration without trial or reasoned explanation undermines the rule of law and India's constitutional commitment to justice, liberty, and human dignity.⁸

Landmark Case: Sunil Batra v. Delhi Administration (1978)

The case of *Sunil Batra v. Delhi Administration (1978)* ranks as a landmark point in Indian jail law, redefining the constitutional protection of prisoners' rights under Articles 14, 19, and 21. It signified the judiciary's robust intervention against custodial abuse and acknowledged that incarceration does not remove persons of their basic rights except to the degree required for imprisonment.⁹

The case arose with a letter written by Sunil Batra, a criminal condemned to death, addressed to Justice Krishna Iyer of the Supreme Court. In his letter, Batra spoke of the horrific torture administered by jail warders at Tihar Jail. His letter said that a fellow inmate had been abused by putting an iron rod into his rectum as part of an extortion effort for money. The Court recognized the letter as a writ petition under Article 32, exhibiting great flexibility and compassion in broadening access to justice via what came to be known as epistolary jurisdiction.

⁸ <https://www.nachrcoi.co.in/our-services/prisoners-right/>

⁹<https://cdnbbsr.s3waas.gov.in/s3ec03333cb763facc6ce398ff83845f22/uploads/2025/10/2025100798.pdf>

After the Court hired an amicus curiae to investigate, the claims were ruled credible. Disturbed by the barbarity perpetrated behind prison walls, the Supreme Court utilized this case as a chance to probe into the legitimacy of punitive and administrative methods such as solitary confinement, mechanical restraints, and custodial torture. The major argument was whether inmates, especially those facing death, had basic rights under the Constitution.¹⁰

Delivering the ruling, Justice V.R. Krishna Iyer concluded that inmates are not “denuded of their fundamental rights” just because of conviction. The Court construed Article 21 broadly, stating that the right to life includes the right to live with human dignity, free from torture, humiliation, or cruel and humiliating treatment. It found that “prisons are part of the Indian constitutional order,” and consequently, prison administrators must behave within the confines of law and constitutional decency.

The Court largely upheld Section 30(2) of the Prisons Act, 1894, which authorized detention of inmates condemned to death in cells apart from others, but confined its use solely to instances warranted by security grounds. Importantly, Court found that solitary confinement cannot be enforced on prisoners whose death sentences are not final—i.e., while appeals are ongoing. Further, Section 56, authorizing physical restrictions, was ruled lawful only if such measures were sanctioned by a judicial authority as appropriate, confirming judicial supervision over prison management.

Beyond stating legal principles, the Court provided radical directives: appointment of Sessions Judges to routinely review prisons, placement of grievance boxes for inmates, authorization for visitors and NGOs to monitor conditions, and provision of free legal help to convicts. These procedural measures designed to enhance openness, accountability, and humane treatment inside correctional facilities.

The Sunil Batra ruling therefore changed the relationship between the State and jailed persons. It filled Article 21 with substantive due process and human dignity, extending constitutional empathy to those most disenfranchised. The judgment not only limited prison arbitrariness but also influenced other verdicts such as *Francis Coralie Mullin v. Administrator, Union Territory of Delhi* and *Sheela Barse v. State of Maharashtra*. Through judicial activism, the Supreme Court changed Indian jails from realms of repression into areas subject to

¹⁰ <https://blog.ipleaders.in/dk-basu-vs-state-of-west-bengal-1997-case-analysis/>

constitutional restriction, marking a dramatic move toward human-rights-based correctional justice.

Landmark Case: DK Basu v. State of West Bengal (1997)

The case of *DK Basu v. State of West Bengal (1997)* ranks as a milestone in the evolution of human rights jurisprudence in India. It changed the constitutional landscape on custodial torture and arbitrary imprisonment, putting the rights of arrestees and prisoners firmly within the purview of Article 21. The Court acknowledged that the right to life encompasses the right to live with dignity and to be free from torture, harsh treatment, and wrongful detention.¹¹

The case arose from a public interest action brought by DK Basu, Executive Chairman of Legal Aid Services, West Bengal, who submitted a petition to the Supreme Court bringing notice to multiple recorded incidences of custodial fatalities in police lock-ups and jails. The Court accepted the letter as a writ petition under Article 32, indicating its continuous commitment to judicial activism and the protection of the powerless. The appeal underlined the worrisome increase in custodial brutality, extrajudicial executions, and fatalities in police custody, and urged the Supreme Court's action to create preventative procedures.

Recognizing the importance of the matter, a bench headed by Justice Kuldip Singh and Justice A.S. Anand conducted a full study of the existing legal framework, including the Code of Criminal Procedure, 1973, and past judicial declarations. The Court observed that custodial abuse not only violates the human rights of individuals but also undermines public faith in law enforcement and the rule of law. It stated categorically that custodial torture is a direct breach of Articles 21 and 22, and that no type of "sovereign immunity" can insulate the State from culpability for such abuses. The Court additionally acknowledged the vicarious obligation of the State to compensate victims or their relatives, confirming the concept that constitutional rights need appropriate remedies.

To counter systematic abuse, the Supreme Court handed down 11 required guidelines, which became commonly known as the DK Basu Guidelines. These included: - The right of the arrestee to be informed of the reasons of arrest and to have a family or friend contacted promptly. - Mandatory compilation of an arrest memo, certified by at least two independent witnesses, stating the time, date, and site of arrest. - The arrestee's right to be medically

¹¹ *D.K. Basu v. State of W.B.*, (1997) 1 S.C.C. 416 (India).

evaluated every 48 hours to avoid torture and record any injuries. - The requirement to produce the accused before a magistrate within 24 hours, as required by Section 57 of the CrPC. - The keeping of thorough arrest records in the police control room, guaranteeing transparency and traceability of prisoners. The right of the detainee to consult a lawyer during questioning, guaranteeing fair procedure.

These directives were deemed binding nationwide until Parliament approved complete legislation in that sector. The Court highlighted that neglect of these protections will draw departmental and criminal actions against the erring personnel.

The DK Basu verdict thereby entrenched procedural protections aimed at avoiding custodial torture and arbitrary imprisonment. It bridged the gap between constitutional rights and ground realities, turning Article 21's abstract promise of life and liberty into tangible protective measures. The case remains a cornerstone of Indian human rights legislation, influencing following improvements in police accountability, jail management, and legal aid access. By finding that even the State's agents are responsible under constitutional scrutiny, DK Basu reasserted that the Constitution's guarantee of dignity applies to every individual, irrespective of situation or status.¹²

Legal Framework and Judicial Remedies

Protection against custody violence under Article 21 has been increasingly enhanced by a succession of rulings prohibiting humiliating techniques including handcuffing, third-degree methods, and denial of medical attention, while recent statute revisions demand judicial investigation into prison fatalities. Together, these improvements infuse human dignity and responsibility throughout the criminal justice process.

Handcuffing and Human Dignity

In *Prem Shankar Shukla v. Delhi Administration (1980)*¹³, the Supreme Court denounced the systematic handcuffing of undertrial and convicted convicts as *prima facie* cruel, unjust and arbitrary. The Court found that handcuffs could not be employed as a matter of normal

¹² <https://blog.ipleaders.in/dk-basu-vs-state-of-west-bengal-1997-case-analysis/>

¹³ *Prem Shankar Shukla v. Delhi Admin.*, (1980) Supp. S.C.C. 219 (India) Routine handcuffing unconstitutional; requires magistrate order

“zoological strategy” and that such treatment violated Articles 14 and 21 by lowering human dignity and assuming dangerousness without individualized evaluation.¹⁴

The Court ruled that handcuffing is lawful only upon proving specific, documented grounds of necessity—such as a genuine danger of escape—subject to judicial examination. Later, in *Sunil Gupta v. State of Madhya Pradesh*, handcuffing of people who had freely surrendered was blasted as exceptionally brutal and unreasonable, confirming that restraint must be an exception based on genuine danger, not administrative convenience..¹⁵

Prohibition of Third-Degree Methods

In *Kishore Singh v. State of Rajasthan (1981)*, the Supreme Court unambiguously stated that the use of third-degree techniques, torture, and severe treatment in prison violates Article 21. The Court highlighted that police and prison officials are constrained by constitutional constraints and that extraction of confessions or cooperation via coercion is incompatible with the rule of law.¹⁶

The verdict connected custodial torture to a breakdown of constitutional governance, stating that Article 21 would become “dysfunctional” if agents of the State in police and prison systems did not adopt a humanist, rights-based approach to detention. It further underlined that disciplinary methods inside prisons must respect natural justice and cannot be punitive or demeaning in nature.¹⁷

Right to Medical Care in Custody

In *Parmanand Katara v. Union of India*, the Supreme Court declared that preservation of life is of fundamental concern and that every doctor, whether in a public or private institution, has a responsibility to offer urgent medical help to an injured individual. Denial or delay of medical care, notably to those in detention or wounded by police action, was ruled to breach Article 21’s right to life with dignity.¹⁸

¹⁴ <https://www.criminallawjournal.org/article/108/4-2-27-436.pdf>

¹⁵ <https://www.sanskritiias.com/current-affairs/custodial-violence-in-india-gaps-in-accountability-urgent-reforms>

¹⁶ *Kishore Singh v. State of Rajasthan*, (1981) 1 S.C.C. 503 (India) Third-degree methods violative of Article 21

¹⁷ <https://www.nachrcoi.co.in/our-services/prisoners-right/>

¹⁸ *Parmanand Katara v. Union of India*, (1989) 4 S.C.C. 286 (India) Medical aid denial breaches Article 21

The Court stressed that procedural formalities—such as police documentation or jurisdictional doubts—cannot outweigh the responsibility to treat and preserve life. This concept has been understood to apply to prisoners and arrestees, guaranteeing that their bodily integrity and access to healthcare remain safeguarded notwithstanding their custody situation.

NHRC Practice and BNSS Section 196

Recent practice by the **National Human Rights Commission (NHRC)** has increasingly focused on custody fatalities, demanding full reporting, post-mortem documentation, and accountability from State agencies. With the arrival of the Bharatiya Nagarik Suraksha Sanhita (BNSS), Section 196 now compels a magisterial inquiry in situations of death, disappearance, or suspected rape in police or other authorized custody, in addition to or in substitution of police investigation.

This clause authorizes selected magistrates to undertake independent inquiries, record evidence, order exhumation when required, and guarantee post-mortem within 24 hours “where practicable,” so incorporating judicial supervision into custodial death investigations. Coupled with NHRC involvement, it illustrates a developing paradigm in which custodial abuse is considered as a significant constitutional violation needing openness, rapid inquiry, and systemic change.¹⁹

Conclusion

Articles 20(3), 21 and 22 combined constitute a constitutional protection against forcible extraction of evidence and arbitrary loss of liberty, but institutional failings continue to dilute its efficacy in correctional settings. Article 20(3) bans forcing an accused “to be a witness against himself,” while Article 22 mandates immediate transmission of arrest reasons and production before a magistrate—safeguards that are regularly neglected in reality.

Normative protections

Article 20(3) bans self-incrimination, making involuntary confessions and third-degree procedures unlawful and inadmissible in most cases. Article 22(1) and (2) demand that an arrestee be notified of the circumstances of arrest, entitled to contact a lawyer, and brought

¹⁹ <https://ebooks.inflibnet.ac.in/hrdp03/chapter/239/>

before a magistrate within twenty-four hours, providing a procedural framework against secret or extended unlawful imprisonment.

Empirical Gaps and Impunity

NCRB and independent analysis report recurrent and in some years growing custody fatalities, however indictments and convictions of accountable authorities remain uncommon, mostly due to biased or shallow investigations, institutional unity, and intimidation of witnesses. - The Prisons Act, 1894 remains largely unreformed and ill-suited to a rights-based framework; the Model Prison Manual 2016, with provisions on segregation, medical treatment, and grievance redress, has experienced patchy and inconsistent implementation across States, limiting its revolutionary potential. Despite specific Supreme Court instructions on arrest, handcuffing, and questioning, institutional impunity remains, supported by inadequate internal disciplinary mechanisms, delays in sanction for prosecution, and the continuous valorisation of “tough policing.

Judicial Reforms

In *Rudul Sah v. State of Bihar (1983)*, the Supreme Court granted monetary compensation to a man wrongfully held long after acquittal, using compensation as a public law remedy for breach of Article 21 rather than leaving the sufferer only to civil litigation.[3] - Public Interest Litigations (PILs) have allowed courts to monitor jail conditions, demand for status updates on custodial fatalities, and issue continuous mandamus instructions, therefore transforming individual instances into platforms for structural change.²⁰

Needed Reforms: Scholars and commissioners have encouraged India to ratify the UN Convention against Torture (UNCAT) and create a particular anti-torture law, which would define custodial torture, impose tougher punishments, and clarify command accountability. Installation of CCTV cameras with audio in police stations and lock-ups, along with defined retention, access and audit rules, is advocated as a deterrent and evidential precaution against misuse.[3] - Independent monitoring mechanisms—such as stronger State and national human rights commissioners, statutory police complaints agencies, and empowered prison visiting

²⁰ Courts award compensation (*Rudul Sah v. State of Bihar*, (1983) 4 S.C.C. 141 (India). PILs enable monitoring. Reforms: Ratify UN Torture Convention, CCTV in lock-ups, independent oversight

committees—are consistently proposed to interrupt the cycle of self-policing and impunity.

Article 21, coupled with Articles 20(3) and 22, has been judicially evolved into a solid guarantee safeguarding prisoners and detainees from arbitrary detention, unjust trials, and custodial violence via principles of rapid trial, procedural fairness, and dignity-centred treatment. Landmark decisions such as Sunil Batra and DK Basu exemplify transformative constitutionalism, crafting detailed operational guidelines for prisons and police; yet the persistent gap between paper guarantees and ground realities underscores the need for comprehensive legislative reform, institutional accountability, and faithful execution of existing safeguards.²¹

²¹ <http://www.ili.ac.in/pdf/15sum24.pdf>

References

1. *Sunil Batra v. Delhi Admin.*, (1978) 4 SCC 494.lawbhoomi
2. *D.K. Basu v. State of W.B.*, (1997) 1 SCC 416.testbook
3. *Hussainara Khatoon v. State of Bihar*; (1979) 1 SCC 81.civillawjournal
4. *Prem Shankar Shukla v. Delhi Admin.*, (1980) Supp SCC 219.scconline
5. *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248.ijrti
6. <http://www.ili.ac.in/pdf/15sum24.pdf>
7. <https://www.civillawjournal.com/article/125/5-1-23-133.pdf>
8. <https://lawbhoomi.com/sunil-batra-vs-delhi-administration/>
9. <https://testbook.com/landmark-judgements/dk-basu-vs-state-of-west-bengal>
10. <https://www.tnsja.tn.gov.in/article/Role%20of%20Prisoner%20and%20Conv%20TSS J.pdf>
11. <https://ijrti.org/papers/IJRTI2504036.pdf>
12. <https://www.scconline.com/blog/post/2024/03/23/custodial-torture-in-india-intersection-of-criminal-law-and-constitutional-rights/>
13. <https://www.drishtiias.com/daily-updates/daily-news-analysis/custodial-violence-in-india>
14. <https://blog.ipleaders.in/dk-basu-vs-state-of-west-bengal-1997-case-analysis/>
15. <https://cdnbbsr.s3waas.gov.in/s3ec03333cb763facc6ce398ff83845f22/uploads/2025/10/2025100798.pdf>
16. <https://www.sanskritiias.com/current-affairs/custodial-violence-in-india-gaps-in-accountability-urgent-reforms>
17. <https://www.nachrcoi.co.in/our-services/prisoners-right/>
18. <https://ebooks.inflibnet.ac.in/hrdp03/chapter/239/>
19. <https://blog.ipleaders.in/article-21/>

20. <https://blog.ipleaders.in/case-analysis-sunil-batra-v-delhi-administration-others-1978/>
21. <https://lawfullegal.in/sunil-batra-v-delhi-administration/>
22. <https://www.advocatepmmmodi.in/d-k-basu-v-state-of-wb-1997-landmark-judgment-on-custodial-rights-arrest-procedures/>
23. <https://blog.ipleaders.in/rights-prisoners-major-judgments/>
24. <https://www.criminallawjournal.org/article/108/4-2-27-436.pdf>
25. <https://ijrar.org/papers/IJRAR1AXP009.pdf>
26. <https://www.ijrti.org/papers/IJRTI2504036.pdf>
27. <https://www.scobserver.in/journal/the-right-to-life-and-personal-liberty-under-article-21-a-timeline/>
28. <https://bibliomed.org/fulltextpdf.php?mno=21022>
29. <https://www.lawweb.in/2025/04/sunil-batra-v-delhi-administration-1978.html>
30. <https://www.lloydlawcollege.edu.in/blog/prisoners-rights-india-reforms.html>
31. <https://ir.nbu.ac.in/server/api/core/bitstreams/e3b750a0-6e0b-49e0-8fda-13ad91931abc/content>
32. <https://www.ramauniversity.ac.in/icipr2018/bluebook.pdf>
33. https://rfppl.co.in/subscription/upload_pdf/75-79-1727778555.pdf
34. <https://repository.nls.ac.in/cgi/viewcontent.cgi?article=1155&context=nlsir>
35. https://papers.ssrn.com/sol3/Delivery.cfm/SSRN_ID4325379_code5654088.pdf?abstractid=4325379&mirid=1
36. <https://www.rgnul.ac.in/PDF/f7ff0636-9075-47f2-8e17-a5ba7be7a3cf.pdf>
37. <https://bprd.nic.in/uploads/pdf/Hand%20Book%20on%20prisoners%20rights%20and%20obligation.pdf>
38. <https://legalsynk.com/bluebook-citation-21st-edition-full-guide/>
39. <https://www.humanrightsinitiative.org/download/1619069016Human%20Rights%20Judgments%20on%20Human%20Rights%20and%20Policing%20in%20India.pdf>