SYSTEMIC VIOLATIONS OF PRISONERS' RIGHTS IN INDIA: A STUDY OF OVERCROWDING, DELAY, AND INSTITUTIONAL FAILURE

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ABSTRACT

The following paper sheds light on how the Indian prison system continues to fall short in protecting the basic rights of prisoners. By taking reference from several reports, it shows that violations inside prisons are still common even though the Constitution promises equality, freedom and dignity to every person. The paper focuses on the protection offered by Articles 14[1], 19[2] and 21[3] of the Indian Constitution and explains how these rights remain important even when a person is in custody. It discusses numerous major judgments which shaped the understanding of personal liberty and fair procedure and also shows how the judiciary has tried to prevent custodial violence and ensure humane treatment.

The paper observes a theme which studies constitutional rights of the prisoners. While several existing studies and researches on the similar topic describe prison problems and the inhumane conditions of prisoners, they do not show how these failures directly cause violations of constitutional rights and what can be the reforms to such systemic violations of prisoner rights, and the paper fills this gap by linking these failures to Articles 14, 19 and 21 of the Indian constitution and recommending some legal reforms for this long-rooted problem.

The paper further examines international standards such as the United Nations Basic Principles for the Treatment of Prisoners and the International Covenant on Civil and Political Rights. These instruments place strong emphasis on dignity and humane conditions. By comparing these standards with the reality in India, the study highlights the gap between international safety measures and the reality of the Indian prison system. The paper concludes by suggesting legal reforms that can address overcrowding, poor health care and weak oversight. These reforms aim to create a system that respects constitutional rights and improves the overall treatment of prisoners.

Keywords: Prisoners' Rights, Constitutional Safeguards, Judicial Pronouncements, Systemic Issues, International Human Rights Standard.

[1] The Constitution of India, art. 14.
[2] The Constitution of India, art. 19.
[3] The Constitution of India, art. 21.

INTRODUCTION

The protection of the rights of prisoners is an important part of any society that claims to follow justice and dignity. When a person is sent to prison the State takes control over his freedom, but he does not lose his basic rights being a citizen of that country where he/she is imprisoned. The Indian Constitution continues to protect the prisoners through Articles 14, 19 and 21. These articles promise equality, certain freedoms and the right to live with dignity. In spite of these guarantees Indian prisons still suffer from many long-standing problems that harm the rights of inmates. These problems include overcrowding, custodial violence, poor medical care and the absence of proper rehabilitation.

Prisoners remain one of the most ignored groups in the country. Many people assume that once someone enters a prison, he deserves whatever treatment he receives due to the crimes committed by them. This idea is wrong because punishment cannot take away a person's dignity. Much of the present system still follows the old prison law created during British rule. As a result, prisons continue to function with outdated rules that do not match modern constitutional values. The large number of undertrial prisoners adds more pressure to the system and creates crowded and unsafe conditions. The violent treatment to prisoners during custody still continues despite supreme court's strict orders against it. Medical facilities are weak and many prisoners do not get timely treatment which affects the Right to Life of prisoners.

Indian courts have given several judgments that recognize the dignity of prisoners. However, the real situation inside prisons has not changed to match these judgments. India also falls short when compared to international standards such as the United Nations principles on the treatment of prisoners, the International Covenant on Civil and Political Rights and the European Prison Rules. These standards focus on humane treatment, proper health care and rehabilitation, but Indian prisons still struggle to meet them.

This research paper studies the main reasons behind the continuing violation of prisoner's rights in India. It looks at major judgments, real conditions inside prisons and the differences between Indian practice and global standards. It also suggests reforms that can help bring prisons in line with constitutional values. The goal of this paper is to support a system where punishment does not take away dignity and where prisons help people rebuild their lives instead of breaking them further.

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?

LITERATURE REVIEW

"Protection of Human Rights of Prisoners under Indian Constitution: An Overview" by Dr. Rahul Tripathi-some aspects of literary review[4]

Rahul Tripathi explains that the right to life under Article 21 is not only about physical survival but also about living with dignity. He argues that prisoners do not lose this right when they enter a prison. According to him, the State must provide clean living spaces, proper food and medical care so that prisoners can live with dignity. He also points out that Indian prisons struggle to meet these standards because they still follow old rules and lack proper oversight. His work shows that there is a clear gap between constitutional ideals and actual prison conditions.

"An Analysis of Prisoner's Rights in India" by Vijeta Kumari[5]

Vijeta Kumari studies how constitutional protections such as Articles 14, 19 and 21 apply inside prisons. She writes that even though these rights are available to everyone, many prisoners, especially those from marginalized communities, face discrimination and unfair treatment. She highlights that undertrial prisoners form a very large part of the prison population and many of them suffer because they do not get timely legal assistance. She shows that while the legal framework is strong, the real experience of inmates is very different.

"Incarceration and Human Rights Violation" by Dipali Singh[6]

Dipali Singh focuses on the everyday human rights violations inside prisons. She describes how prisoners often face torture, physical abuse and neglect of health care needs. She also

[4] Rahul Tripathi, "Protection of Human Rights of Prisoners under Indian Constitution: An Overview" 6 Int'l Journal of Management & Social Sciences Research 33 (Dec. 2017).
[5] Vijeta Kumari, "An Analysis of Prisoner's Rights in India" 10 J. Research in Humanities & Social Sciences 386 (2022).
[6] Dipali Singh, Incarceration and Human Rights Violation 13 (Fairfield Institute of Management & Technology, New Delhi).

discusses the psychological stress created by isolation, lack of support and poor living conditions. Singh compares Indian prisons with international standards and concludes that India is far behind global expectations. Her work reminds us that the treatment of prisoners reflects the values of a society.

RESEARCH GAP

Although many writers have discussed the problems in Indian prisons, most of the existing work only describes the issues and does not examine how each failure directly affects constitutional rights. Many studies talk about overcrowding, poor health care and violence, yet they do not show how these problems lead to violations of Articles 14[7], 19[8] and 21[9] in a clear and structured way. There is also very little work that studies the recent changes in prison policy, such as the new model prison laws and manuals, and how they work in practice. Another gap is the lack of writing that links legal analysis with evidence from health studies and international standards. Because of this, the existing literature does not give a complete picture of how system level problems create rights-based harms for prisoners. This paper fills this gap by connecting the major failures in prison administration with concrete constitutional rights and by offering practical reforms that can be used to improve conditions and protect human dignity.

STATEMENT OF PROBLEM

Even though the Constitution protects the rights of every person, many prisoners in India still face unsafe and unfair conditions. Problems like overcrowding, poor medical care and custodial violence continue in many prisons and these issues often lead to violations of the right to equality and the right to dignity. Most discussions focus on describing these conditions but they do not clearly explain how these problems turn into violations of Articles 14, 19 and 21. Because of this there is still a need to study how system level failures inside prisons directly harm the basic rights of prisoners and why these violations continue even after repeated directions from the courts.

[7] Supra note 1 at 2
[8] Supra note 2 at 2
[9] Supra not 3 at 2

RESEARCH METHODOLOGY

This research uses a simple doctrinal method along with analytical method of research. It is based on a study of constitutional provisions, important judgments of the Supreme Court and High Courts and reports of bodies like the National Crime Records Bureau and the National Human Rights Commission. The paper also uses academic articles, government manuals and international human rights standards to understand how prisons should function and how they actually function in India. By comparing legal rules with real conditions and with international norms, this research identifies the main gaps in the system and suggests reforms that can help protect the dignity and rights of prisoners.

EXPANDED CASE ANALYSIS:

Hussainara Khatoon v State of Bihar, 1979[10]

The Hussainara Khatoon case is one of the most important decisions on the rights of undertrial prisoners in India. The case began when a series of newspaper reports revealed that thousands of undertrial prisoners in Bihar had been kept in jail for periods far longer than the maximum punishment for the offences they were accused of. Many of them had no legal representation and some had been forgotten inside the system. A public interest petition was then filed before the Supreme Court. The Court held that the right to a speedy trial is an essential part of the right to life under Article 21. It stated that keeping people in jail for long periods without completing their trial is unjust and violates basic human dignity. The Court directed the release of several undertrial prisoners who had already spent more time in prison than the sentence they might receive if convicted. It also stressed that the State has a duty to provide free legal aid so that poor accused persons are not trapped in endless trials.

The case is very important for prisoners' rights because it recognizes that long delays in the legal process can themselves become a form of punishment. It also reminds the State that it must not ignore the lives of people who are poor and powerless ensuring them right to live with dignity.

[10] Hussainara Khatoon (I) v. State of Bihar, (1979) 3 SCC 532.

Maneka Gandhi v Union of India, 1978[11]

The Maneka Gandhi case changed the way Article 21 is understood. The government had taken away Maneka Gandhi's passport without giving her a reason, and she challenged this action. The Supreme Court held that any action that restricts personal liberty must follow a procedure that is fair, just and reasonable. This judgment expanded the meaning of the right to life and made it clear that the State cannot act in an arbitrary manner. The ruling became the foundation for many later decisions on prisoner's rights because it established that liberty cannot be taken away without fairness.

Parmanand Katara v Union of India, 1989[12]

This case started when an accident victim was denied treatment because of legal formalities. The Supreme Court stated that the right to life includes the right to receive emergency medical care. It held that all hospitals, whether government or private, must give immediate treatment to anyone who needs it. The Court said that saving life is more important than completing procedural steps. This judgment however not being directly linked to prisoner rights, showcases how it's the duty of the state to provide healthcare and protect life of all its citizens. Thus, it is important for prisoners because it confirms that the State has a duty to protect the health and life of every person in its custody.

D K Basu v State of West Bengal, 1997[13]

The D K Basu case dealt with custodial torture and deaths in police custody. The Court recognized that torture violates human dignity and destroys the trust between the State and the people. It laid down clear guidelines for arrest and detention, such as preparing an arrest memo, informing a relative of the person arrested and allowing medical checkups. The Court also held that the State is responsible if someone suffers harm while in custody. This decision is one of the most important rulings on the rights of arrested and detained persons as it safeguards them from one of the most prevalent issues related to prison rights that is custodial violence.

CONSTITUTIONAL PROVISIONS

The Indian Constitution does provide a strong structure for the protection of individual rights,

[11] Maneka Gandhi v. Union of India, (1978) 1 SCC 248.
[12] Parmanand Katara v. Union of India, (1989) 4 SCC 286.
[13] D.K. Basu v. State of W.B., (1997) 1 SCC 416.

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[14]: Right to Equality

Article 14 under the Indian Constitution 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 Supreme 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 system12.

Article 19[15]: Freedom of Speech

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 after their release. This helps them become an asset to the society.

Article 21[16]: Right to Life and Dignity

One of the most important protections for prisoners is perhaps the right to life and personal liberty under Article 21. The Supreme Court has interpreted the right very expansively and postulated that it means the right to live with dignity. This means that the prisoners are entitled to humane treatment, adequate medical care, and protection against custodial violence. The Apex Court has reiterated that stripping dignity from prisoners remains one of the legacies of colonialism that needs a change and reform in the modern times

[14] Supra note 1 at 2
[15] Supra note 2 at 2
[16] Supra note 3 at 2

SYSTEMIC FAILURES IN INDIA'S PRISON SYSTEM

Indian prisons suffer from several deep structural problems that continue to harm the rights and dignity of prisoners. These failures are not the result of a few isolated incidents. They are long standing issues that reflect the weaknesses of the criminal justice system as a whole. Let's discuss these failures.

Overcrowding

Overcrowding is the most visible problem inside Indian prisons. Many prisons hold far more inmates than they were designed to accommodate. A large number of these inmates are undertrial prisoners who are waiting for their cases to move forward. When so many people live in a small space, it becomes difficult to maintain basic hygiene and health. Thus, prisoners often do not have enough sleeping space or proper sanitation. This affects their physical and mental wellbeing and creates unsafe and stressful conditions for everyone inside giving rise to fight between inmates and creating a harmful environment for the prisoners. According to the Prison Statistics India report,2023 by the NCRB[17] the national occupancy rate is over 120 percent in Indian prisons which shows the shocking nature of overcrowdings in prisons.

The problem continues because the justice system is slow and many people cannot afford bail. As a result, prisoners stay in jail for long periods while their cases remain pending. This delay harms their right to dignity and also contributes to the spread of disease and violence inside prisons.

Inadequate Health Care

Health care inside many prisons is poor and does not meet basic standards. Several prisons do not have full time doctors or enough medical staff. Many inmates with chronic illnesses do not receive regular treatment and the same happens with people suffering from communicable diseases making the others prisoners unwell. Mental health care is even weaker and prisoners with psychological issues rarely get proper counselling or therapy.

The COVID pandemic showed how fragile the prison health care system is. Overcrowded barracks and poor sanitation made it easy for infections to spread. Many prisoners did not get

[17] *National Crime Records Bureau, Prison Statistics India 2023 (Ministry of Home Affairs, Government of India, 2023).*

proper testing or timely treatment. This showed that the right to life under Article 21[18] is at serious risk inside prisons when medical facilities are weak.

Custodial Violence

Custodial violence remains a serious and disturbing problem. Prisoners often suffer physical abuse or threats from prison staff. Many cases go unreported because inmates fear retaliation or have no way to complain safely. Even though the Supreme Court has laid down clear guidelines in the D K Basu case, violations continue because enforcement is weak and oversight bodies do not have enough power. According to **OMCT Global Torture Index India Factsheet (2025)**[19], India has a high risk of torture inside police and prison custody. The report points out frequent cases of physical abuse, forced confessions and threats

Such violence harms not only the physical safety of prisoners but also their mental wellbeing. It creates fear and mistrust and it damages the idea that the State must protect every person under its custody.

Lack of Rehabilitation

A prison system should not only confine people but also help them rebuild their lives which could make them an asset for the nation in the future. However, in India rehabilitation programmes are very limited and weak. Many prisons do not offer meaningful education, vocational training or counselling that can prepare inmates for life after release. Without such support many prisoners return to the same conditions that pushed them toward crime in the first place.

The absence of rehabilitation increases the chances of re-offending. A system that focuses only on punishment but not on reform repeats the same cycle again and again. This hurts both the prisoner and society.

INTERNATIONAL STANDARDS AND COMPARATIVE ANALYSIS

Understanding the condition of Indian prisons becomes easier when we look at global human rights standards. These international principles remind us that punishment must not erase

[18] Supra note 3 at 2
[19] World Organisation Against Torture, OMCT Global Torture Index – India Factsheet 1 (2025).

dignity and that prisons should help people rebuild their lives. They offer a fair benchmark for judging whether a country is meeting its duty toward those it chooses to confine.

United Nations Basic Principles for the Treatment of Prisoners[20]

The United Nations Basic Principles explain that every prisoner must be treated with dignity. They state that prisoners should have access to education, health care and programmes that prepare them for life outside. These principles reject the idea that imprisonment means the end of basic rights and instead, they say that only the right to liberty is restricted, and all other rights should remain intact unless they clearly cannot be given in a prison setting.

When we compare these principles with the situation in India, we see large gaps. Many prisoners still struggle for clean water, proper food and space to live. Rehabilitation is limited in most facilities and several prisons do not run meaningful educational or vocational programmes. The UN principles also warn against discrimination, yet poor inmates and those from marginal communities in India often face harsher conditions simply because they lack resources or support. In this way the system falls short of the global ideal that prison should not strip away dignity.

International Covenant on Civil and Political Rights (ICCPR)[21]

India has signed and ratified the ICCPR, which means it has promised to follow its standards. Article 10[22] of the ICCPR makes it clear that people who are detained must be treated with humanity and respect for their dignity. The covenant also explains that undertrial prisoners must be treated differently from convicted prisoners. It stresses that the purpose of imprisonment should not only be punishment but also reformation.

In the Indian context this becomes important because more than two thirds of the prison population consist of undertrials. Many of them remain in prison solely due to delays or lack of legal assistance. The ICCPR expects countries to ensure reasonable timelines for trials, and this idea connects directly with the right to speedy trial recognized in the Hussainara Khatoon judgment. However, the slow pace of our criminal justice system continues to keep many

[20] U.N. General Assembly, Basic Principles for the Treatment of Prisoners, G.A. Res. 45/111, U.N. Doc. A/RES/45/111 (Dec. 14, 1990).
[21] International Covenant on Civil and Political Rights, Dec. 16, 1966, 999 U.N.T.S. 171.
[22] International Covenant on Civil and Political Rights art. 10, Dec. 16, 1966, 999 U.N.T.S. 171.

people behind bars for long periods without a final decision on their guilt or innocence.

European Prison Rules[23]

The European Prison Rules are often seen as some of the most detailed and progressive standards for prison administration. They expect prisons to focus on rehabilitation and to provide living conditions similar to those available in the wider community. The rules pay special attention to health care and require regular medical examinations, mental health support and proper documentation of treatment. They also require independent inspections to make sure that the rights of prisoners are protected and that prison authorities do not misuse their power.

India can learn a lot from these rules. Many Indian prisons do not provide equal access to health care. People with serious illnesses often wait long periods to see a doctor. Mental health is rarely addressed due to shortage of professionals and lack of awareness. Independent inspections also have limited impact because monitoring bodies do not always have enough power or resources to enforce changes. As a result, prisoners do not receive the continuous protection which is opposite to the European model.

OVERALL COMPARISON AND NEED FOR REFORM

International standards place dignity, fairness and rehabilitation at the heart of prison administration. They treat prisons not just as places of punishment but as institutions that should prepare individuals to return to society as better and more responsible persons. India supports these ideals in its Constitution and through Supreme Court judgments, but the actual conditions inside prisons do not always reflect them. Problems like overcrowding, custodial violence and weak medical facilities show that the gap between law and practice remains wide.

The comparison makes it clear that India needs stronger accountability, better infrastructure, more trained staff and a system that values rehabilitation. Even after signing the ICCPR instrument and ratifying it, India is unable to follow it properly due to its systemic failures. Bringing Indian prisons closer to these international standards is important not just to fulfil global expectations but also to honor the spirit of the Indian Constitution which promises

[23] Council of Europe, Committee of Ministers, Recommendation Rec(2006)2 of the Committee of Ministers to Member States on the European Prison Rules (Jan. 11, 2006).

dignity to every individual.

RECOMMENDATIONS OF LEGAL REFORMS

Indian prisons need reforms that address long standing structural problems and protect the dignity of every person who is placed behind bars. These recommendations aim to strengthen constitutional rights, improve living conditions and bring prisons closer to international human rights standards.

Reduce Overcrowding by Strengthening the Bail System

A large number of undertrial prisoners remain in jail for minor offences simply because they cannot afford bail or do not have legal support. Overcrowding creates unhealthy conditions, increases stress and makes it difficult for prisons to offer proper services. Courts should adopt a more flexible approach toward granting bail in cases that do not involve violence or serious risk and for petty offences there could be a shift to alternative dispute resolution mechanisms. Authorities should also promote non-custodial alternatives such as community service and supervised release. These measures have been successfully used in many countries and can significantly reduce the burden on Indian prisons. When only high-risk offenders are kept in custody, prison resources can be used more effectively.

Improve Health Care and Mental Health Support

Health care inside prisons must match basic standards of safety and dignity. Every prison should have full time doctors, nurses and trained medical staff who can treat common illnesses and respond to emergencies. Many prisoners have long standing health conditions that require continuous care. Mental health services also need to be strengthened because prisoners face anxiety, trauma and loneliness, especially when they spend long periods away from their families. Counselling sessions, addiction treatment programmes and psychiatric support should be introduced in all major prisons. Better health care will protect the right to life and help reduce violence, self-harm and deaths in custody.

Prevent Custodial Violence Through Strong Monitoring

Custodial violence continues because the oversight system is weak and many complaints are ignored. Regular inspections by independent authorities can help prevent abuse. These

inspections should take place without prior notice so that conditions cannot be altered temporarily. Functional CCTV cameras in common areas will also help create transparency. Prisoners should have safe and confidential ways to report mistreatment, and officers who commit violence must face clear and strict consequences. Strong oversight creates a culture of accountability and reminds officials that they have a duty of care toward every inmate. A more niche solution can be an anonymous officer visiting the prison premises at a continuous interval without informing the prison staff to keep a check on the custodial violence and there must be an ombudsman allotted for such kind of offences for better and quicker resolution.

Expand Rehabilitation, Education and Skill Development

A prison system that focuses only on punishment does not help society in the long run. Rehabilitation must become a central goal. Education programmes, vocational training, life skills workshops and counselling sessions can help prisoners prepare for life after release. Many inmates come from poor backgrounds and did not have access to education earlier. By offering these opportunities in prison, the system can help break the cycle of poverty and crime. Rehabilitation also reduces repeat offences, which improves public safety. Prisons should form partnerships with industries and training institutes so that inmates can learn skills that are useful in the job market.

Strengthen Legal Aid and Speedy Trial Mechanisms

Delays in trials are one of the biggest causes of long-term detention. Many undertrial prisoners do not know their rights or do not have access to legal aid. Legal aid clinics inside prisons should be active and should help inmates file bail applications, seek early hearings and understand the progress of their cases. Courts should use digital tools such as video conferencing to reduce delays and speed up the process. The spirit of the Hussainara Khatoon case must guide all reforms so that no person remains in jail longer than necessary due to slow procedures or lack of legal assistance.

Replace the Colonial Prison Act of 1894[24] with a Modern Human Rights Law

The Prison Act of 1894 still shapes how many prisons operate today. This law was created during colonial rule and focuses mainly on discipline and control. India needs modern

[24] The Prisons Act, 1894 (No. 9 of 1894).

legislation that reflects constitutional values and international human rights principles. A new law should clearly define the rights of inmates, the standards for prison conditions, the responsibilities of prison authorities and the mechanisms for oversight. It should focus on rehabilitation, transparency and humane treatment. Updating the legal framework is essential for long lasting reform because structural change cannot happen without clear and modern rules.

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 significant 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 standards, India can better ensure that prisoners' constitutional protections are upheld, reflecting the nation's commitment to justice and human dignity.