PRISON REFORMS IN INDIA: A HUMAN RIGHTS PERSPECTIVE

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ABSTRACT

Prison reforms in India are a matter of criminal justice and human rights. Imprisonment used to be regarded as a means of punishment, discipline and social control. However, modern criminal justice systems give more importance to reformation, rehabilitation and reintegration of the prisoners. This article analyses prison reforms in India from a human rights perspective, including historical development, legal framework, international standards, judicial approach, as well as current problems and possible reforms. The study reveals that despite constitutional safeguards, many aspects of imprisonment in India still need improvement. The article also highlights the role of the judiciary in promoting penal reforms through landmark judgments on issues of custodial torture, legal aid, humane treatment and equality in prisons. International treaties and conventions, as well as the Nelson Mandela Rules provide important guidelines for the humane treatment of prisoners and positive custodial reforms. The article argues that improved prison reforms require enhanced implementation of existing policies and laws, better infrastructure and health services, independent monitoring mechanism, legal aid, rehabilitation and aftercare programs. A human rights-based approach to imprisonment is necessary to ensure that prisons are places of dignity, correction, rehabilitation and re-entry into society.

Keywords: Prison Reforms**,** Human Rights**,** Prisoners' Rights**,** Article 21

Introduction

Prison is a vital part of the criminal justice system. They are established primarily to keep persons accused or convicted of offences in lawful custody. Traditionally imprisonment has been viewed mainly as a form of punishment for violating the law in the society. But now the criminal justice system has progressively changed from a strictly unity approach towards a system that also prioritises reformation, rehabilitation and reintegration. The prison act of 1894 a law from the colonial period mainly focuses on maintaining control and discipline rather than ensuring the rights and rehabilitation of prisoners overseeing prison management in India[1] .Although convicts forfeit certain freedom upon conviction, they return the fundamental rights guaranteed by the Indian constitution as they remain human beings. Article 21 of the Constitution of India guarantees the right to life and personal liberty[2], and this protection also extends to prisoners. However, the condition of many prisons in India shows that there is still a significant gap between legal principles and their actual implementation. Problems such as overcrowding, poor sanitation, inadequate medical facilities, custodial violence, lack of legal assistance, and prolonged detention continue to affect the lives of prisoners.

Over the years, the Indian judiciary[3] and various committees have highlighted the need to improve prison conditions and ensure the humane treatment of inmates. Prison administration should therefore focus not only on punishment but also on reformation, rehabilitation, and reintegration. A human rights approach to prison reforms seeks to ensure that every prisoner is treated with dignity and is provided with basic facilities, healthcare, legal aid, education, vocational training, and protection from physical and mental abuse.

Thus, prison reforms are necessary not only for safeguarding the rights of prisoners but also for creating a fair, humane, and effective criminal justice system in India.

Historical Background

India's prison system traces its origins to the colonial period. Under British rule, prisons mainly served as institutions for punishment, discipline, and control. Prisoners' welfare and rehabilitation received scant attention. Inmates were often kept in overcrowded, unhygienic

[1] The Prisons Act, 1894, Act No. 9 of 1894(India)
[2] The constitution of India, 1950, Article 21
[3] Radha Ranjan, "Exploring the Boundaries: The Evolving Scope of Judicial Review," 15(1) The CTE National Journal: A Journal of Multidisciplinary Research 114–130 (2023).

conditions with poor sanitation, scarce food, and inadequate medical care.

The British government introduced several laws and committees to regulate the prison system. An early major step was the 1836 Prison Discipline Committee, which examined conditions in Indian jails. Later, the Prisons Act, 1894 became the primary law governing prison administration[4]. Its focus, however, was on discipline, security, and control, not prisoners' rights or rehabilitation.

After independence, India's approach to prison administration gradually shifted. The Constitution stressed human dignity, equality, and personal liberty, and courts began recognizing that imprisonment does not remove all fundamental rights. In several key judgments, the Supreme Court emphasized humane treatment of prisoners, protection from custodial violence, and rights such as legal aid and speedy trial.

Committees were also formed to study prisoners' problems and suggest improvements. The Mulla Committee (1980–83) made key recommendations on overcrowding, prison conditions, rehabilitation, prisoner classification, and inmate welfare[5]. Other committees, including those associated with Justice V. R. Krishna Iyer, also favoured a more humane, reform-oriented prison system.

India's prison reform history thus shows a gradual shift from punishment and strict control toward rehabilitation, reformation, and human dignity. Despite this shift, many problems remain in Indian prisons, underscoring the need for further reforms and better implementation of existing measures.

Legal framework in India

India's prison legal framework rests on the Constitution, statutes, judicial rulings,[6] administrative guidelines and international human-rights standards. Imprisonment lawfully takes away personal liberty, yet it does not deprive prisoners of all their fundamental rights. Over time, India's legal framework has moved from a mainly punitive, custodial approach to

[4] The Prisons Act, 1894,Act No. 9 of 1894(India)
[5] Government of India, Report of the All India Committee on Jail Reform(Mulla Committee), 1980-83.
[6] Jivantika Gulati and Radha Ranjan, "Cascading Role of Governance in Ensuring Judicial Activism in India," Bihar Journal of Public Administration, ISSN 0974-2735, 146 (2023).

one emphasising human dignity, rehabilitation and correction.[7]

Its main components are as follows:

- Constitutional Framework: The Constitution of India is the fundamental basis for protecting prisoners' rights. Article 14 guarantees equality before the law and protection against arbitrary or discriminatory treatment. Article 21 guarantees the right to life and personal liberty[8], which judicial interpretation has broadened to include living with dignity and protection from cruel, inhuman and degrading treatment. Article 22 provides safeguards against arbitrary arrest and detention, while Article 39A obliges the State to secure equal justice and free legal aid[9].

- Prisons as a State Subject: Under Entry 4 of List II of the Seventh Schedule, prisons, reformatories and the persons detained in them fall within the States' legislative and administrative authority.[10] State Governments therefore bear primary responsibility for prison administration and reform. This has also produced variations in prison laws and practices across States.

- The Prisons Act, 1894: The Prisons Act, 1894 remains a significant part of India's historical prison legislation. Being a colonial-era statute, however, it largely reflects a custodial and disciplinary outlook rather than a modern correctional, human-rights-oriented one. Its shortcomings have driven demands for comprehensive legislative reform.

- Other Relevant Statutes: Several other laws govern specific aspects of imprisonment, including the Transfer of Prisoners Act, 1950, the Prisoners (Attendance in Courts) Act, 1955, and the Repatriation of Prisoners Act, 2003. The Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) is also relevant to prison administration, especially on arrest, detention, bail and undertrial prisoners.

- Role of the Judiciary: By interpreting Article 21, the Supreme Court of India has played a transformative role in advancing prisoners' rights. The Court has held that prisoners keep their fundamental rights despite incarceration, and has intervened on custodial torture, solitary confinement, handcuffing, legal aid, medical care, speedy trial, prison overcrowding and

[7] Radha Ranjan, "The Consequence of National Security on Individual Freedoms" (2023).
[8] The Constitution of India, 1950, article 14 and 21.
[9] The Constitution of India, 1950, article 22 and 39A.
[10] The Constitution of India, 1950, Seventh Schedule, List II, Entry 4.

custodial deaths.[11]

- Model Prison Manual, 2016: The Ministry of Home Affairs introduced the Model Prison Manual, 2016 to provide comprehensive guidelines for prison administration. It covers prisoner classification, healthcare, legal aid, education, vocational training, rehabilitation and the welfare of vulnerable prisoners. However, as a model framework, its real implementation lies mainly with individual States and Union Territories.

- Model Prisons and Correctional Services Act, 2023: This Act represents a significant advance in India's prison reform efforts. It seeks to replace the traditional punitive approach with a correctional and rehabilitative one. It addresses healthcare, education, vocational training, legal aid, parole, remission, rehabilitation and aftercare of prisoners.

- Protection against Discrimination: Prison reform's human-rights dimension now extends beyond physical conditions to equality and non-discrimination. In Sukanya Shantha v. Union of India (2024), the Supreme Court addressed caste-based discrimination in prisons and reaffirmed equality and dignity in prison administration.[12]

- Human Rights Institutions: The NHRC and State Human Rights Commissions play a key role in addressing custodial violence, deaths in custody and other rights violations. Legal Services Authorities also help prisoners, especially indigent undertrials, access legal aid.

- International Human Rights Standards: India's prison policies are also shaped by international human-rights principles, notably the ICCPR and the Nelson Mandela Rules.[13] These standards emphasize humane treatment, dignity, healthcare, adequate living conditions and rehabilitation.

International legal framework

Prison reform is now a key concern in international human rights law. The international framework rests on the idea that losing liberty does not mean losing human dignity. A person

[11] Radha Ranjan and Shivam Raj, "Constitutional Validity and Judicial Interpretation of Death Penalty in India," 5(1) ShodhKosh: Journal of Visual and Performing Arts 2788–2797 (2024).
DOI: 10.29121/shodhkosh.v5.i1.2024.2857
[12] Sukanya Shantha v. Union Of India, 2024 INSC 753
[13] International Covenant on Civil and Political Rights, 1966, art. 10; United Nations, United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), G.A. Res. 70/175 (2015).

may be jailed under law, yet the State must still protect their basic human rights. Various international instruments set standards on humane treatment, protection from torture, healthcare, equality, rehabilitation and social reintegration.

The main parts of the international legal framework are:

- Universal Declaration of Human Rights (UDHR), 1948: The UDHR lays the basic foundation for international human rights protection. Article 5 bans torture and cruel, inhuman or degrading treatment or punishment.[14] This matters especially in prisons, since incarceration cannot justify subjecting prisoners to needless physical or mental suffering.

- International Covenant on Civil and Political Rights (ICCPR), 1966: The ICCPR gives specific safeguards to persons deprived of liberty. Article 7 bans torture and cruel, inhuman or degrading treatment, while Article 10(1) requires that prisoners be treated with humanity and respect for their inherent dignity. Article 10 also states that the penitentiary system should aim at prisoners' reformation and social rehabilitation.[15] India is a party to the ICCPR, so these provisions apply to its prison-reform policies.

- Convention against Torture (CAT), 1984: The Convention against Torture sets international standards to prevent torture and other cruel, inhuman or degrading treatment. It requires States to adopt effective legislative, administrative and judicial measures against torture. India signed the Convention in 1997 but has not ratified it.[16] Still, the Convention remains a key international benchmark for addressing custodial torture.

- Nelson Mandela Rules, 2015: The United Nations Standard Minimum Rules for the Treatment of Prisoners offer comprehensive standards for prison administration. They cover accommodation, sanitation, food, healthcare, discipline, complaints, family contact and protection from torture. The Rules also stress prisoners' rehabilitation and social reintegration, encouraging a shift from a purely punitive model to a correctional

[14] Universal Declaration of Human Rights, 1948, art. 5.
[15] International Covenant on Civil and Political Rights, 1966, art. 10.
[16] Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984.

approach[17].

- Body of Principles, 1988: The Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment offers safeguards for those arrested, detained or imprisoned. It stresses humane treatment, legal assistance, family contact, and protection from torture and arbitrary treatment.[18]

- Basic Principles for the Treatment of Prisoners, 1990: These principles hold that prisoners keep their basic human rights, limited only by restrictions inherent to imprisonment. They also promote access to education, employment, cultural activities, and other opportunities aiding rehabilitation and reintegration into society.[19]

- Bangkok Rules, 2010: The United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders set gender-sensitive standards for women in conflict with the law. They cover healthcare, pregnancy, childcare, mental health, and family relationships, and stress using non-custodial measures where suitable.

- Protection of Juveniles: The United Nations Rules for the Protection of Juveniles Deprived of their Liberty, 1990 offer special safeguards for detained children and juveniles. They stress that detention should be a last resort and for the shortest suitable period, prioritizing education, healthcare, protection, and rehabilitation.[20]

- International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966: The ICESCR matters to prison reform because incarceration does not fully remove prisoners' economic and social rights. Prisoners should have access to basic healthcare, food, sanitation, and living conditions consistent with human dignity.[21]

[17] United Nations, United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), G.A. Res. 70/175 (2015).
[18] United Nations, Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, G.A. Res. 43/173 (1988).
[19] United Nations, Basic Principles for the Treatment of Prisoners, G.A. Res. 45/111 (1990).
[20] United Nations, United Nations Rules for the Protection of Juveniles Deprived of their Liberty, G.A. Res. 45/113 (1990).
[21] International Covenant on Economic, Social and Cultural Rights, 1966.

Judicial Approach

By interpreting the rights of prisoners within the constitutional framework, the Indian judiciary has contributed significantly to the growth of prison reforms. The Supreme Court has progressively departed from the conventional belief that prison administration is purely an executive concern, acknowledging that prisoners retain fundamental rights even once their liberty has been taken away. By reading Articles 14, 19 and 21 expansively, the Court has dealt with matters like custodial violence, solitary confinement, legal aid, overcrowding, medical care, discrimination and the right to live with dignity. A few of the key decisions that illustrate this development are examined below.

1. Sunil Batra v. Delhi Administration

Facts:

The case arose out of a communication sent to the Supreme Court by Sunil Batra, a prisoner under a death sentence. The communication raised concerns about the torture and ill-treatment allegedly inflicted upon another prisoner, Prem Chand. As a result, the proceedings placed the conditions of imprisonment, the powers of prison authorities and the use of solitary confinement before the Supreme Court.

Legal Issues:

Whether a person loses his fundamental rights simply because he has been imprisoned.

Whether prison authorities hold unlimited powers over prisoners.

Whether solitary confinement and other disciplinary measures may be imposed without adequate legal justification.

Whether courts may intervene when prison administration violates constitutional rights.

Judgment:

The Supreme Court rejected the claim that incarceration puts a prisoner beyond the protection of the Constitution. It held that imprisonment may lawfully restrict certain freedoms, but it does not wipe out the prisoner's fundamental rights. The Court stressed that prison authorities remain

bound by constitutional limits and cannot wield arbitrary power over persons in their custody.[22]

Ratio Decidendi:

The fundamental principle laid down by the Court was that a prisoner continues to hold constitutional rights. Every restriction placed on a prisoner must have legal backing and must satisfy constitutional standards. Incarceration alone cannot serve as a justification for arbitrary, cruel or unreasonable treatment.

Significance:

This decision is viewed as a landmark in the jurisprudence of Indian prisons. It represented a transition from the earlier stance of judicial non-interference in prison administration to a model of constitutional oversight and protection of prisoners' rights. The judgment also laid an important foundation for subsequent cases concerning solitary confinement, custodial violence and prison discipline.

2. Sheela Barse v. State of Maharashtra

Facts:

The case emerged after journalist and social activist Sheela Barse drew attention to the alleged ill-treatment of women prisoners in Maharashtra. Through her interactions with women prisoners, allegations of assault and custodial abuse were brought to light. The Supreme Court treated the matter as one calling for the protection of the rights of persons rendered especially vulnerable by their detention.

Legal Issues:

Whether prisoners and detainees are entitled to effective legal assistance.

Whether the State bears a responsibility to protect persons in custody from physical and mental abuse.

Whether indigent prisoners can be denied access to justice on account of their financial

[22] Sunil Batra v. Delhi Administration, (1978) 4 SCC 494.

circumstances.

What safeguards ought to be provided to women and other vulnerable prisoners.

Judgment:

The Supreme Court stressed that prisoners must have meaningful access to legal assistance and that custodial authorities are duty-bound to protect persons placed under their control. The Court acknowledged the distinctive vulnerability of prisoners and emphasised the necessity of mechanisms enabling them to voice grievances and secure legal protection.[23]

Ratio Decidendi:

The Court confirmed that access to legal aid forms a crucial element of fair procedure and constitutional justice, especially when a prisoner lacks the financial or practical means to secure legal representation on their own.

Significance:

The judgment reinforced the connection between Article 21, access to justice and legal aid. It further showed that the judiciary could act upon information about prison conditions even when that information reached it through channels other than ordinary litigation. As a result, the case led to closer judicial scrutiny of custodial institutions.

3. D.K. Basu v. State of West Bengal

Facts:

The proceedings emerged amid growing reports of custodial torture and deaths taking place during police detention. The Supreme Court examined the safeguards required to protect persons arrested and detained by State authorities, and considered the constitutional implications of custodial violence.

Legal Issues:

Whether torture and violence in custody breach fundamental rights.

[23] Sheela Barse v. State of Maharashtra, (1983) 2 SCC 96.

What procedural safeguards are required during arrest and detention.

Whether State authorities may be held accountable for violations occurring while a person is in custody.

Whether monetary compensation may be awarded for breaches of fundamental rights.

Judgment:

The Supreme Court established a set of safeguards to govern arrest and detention and to lessen the likelihood of custodial abuse. The Court also acknowledged the availability of constitutional compensation where fundamental rights have been violated by unlawful State action.[24]

Ratio Decidendi:

The Court held that torture and violence inflicted on persons in custody are incompatible with the protections guaranteed by Articles 21 and 22. Because the State has direct control over an individual in custody, it bears a corresponding duty to safeguard that person's life and dignity. Infringement of these rights may give rise to constitutional remedies, including compensation.

Significance:

The significance of D.K. Basu rests on its focus on prevention, accountability and institutional safeguards. Rather than simply condemning custodial violence after it had taken place, the Court laid down procedural requirements aimed at preventing abuse. The principles set out in the case are highly relevant to prison reform, as they establish that State authorities cannot avoid responsibility for the safety and dignity of those under their control.

Contemporary issues and challenges

India's modern prison system confronts multiple challenges that raise grave human-rights concerns. Constitutional safeguards and judicial interventions have improved prisoner protection, yet the gap between legal standards and real prison conditions persists.

[24] D.K. Basu v. State of West Bengal, (1997) 1 SCC 416.

- Overcrowding and poor infrastructure: Overcrowding keeps undermining the quality of prison life. Excess occupancy strains accommodation, sanitation, food, healthcare and security, making dignified living conditions hard to maintain.

- Many undertrial prisoners: The continued detention of numerous undertrials is a major concern. Long pre-trial detention undermines personal liberty and speedy trial, and may imprison people never found guilty.

- Custodial violence and deaths: Violence, torture and deaths in custody keep raising questions about accountability and prisoner protection. Effective investigation, independent monitoring and timely remedies are essential.

- Mental health and healthcare: Prisoners often suffer mental-health issues caused by isolation, overcrowding and long incarceration. Shortages of doctors, specialists, medicines and psychological services make adequate healthcare an ongoing challenge.

- Rehabilitation and reintegration: Though rehabilitation is increasingly seen as a goal of imprisonment, educational, vocational and counselling programmes are not uniformly available. Limited post-release support and social stigma further obstruct former prisoners' reintegration.

- Discrimination and vulnerable groups: Caste discrimination, gender inequality and inadequate protection of persons with disabilities remain key concerns. Women prisoners, children living with imprisoned mothers and other vulnerable groups need specialised care and facilities.

- Technology and privacy: Growing use of CCTV, biometric systems, digital records and other technologies can improve prison security and administration. Yet these technologies also raise concerns about privacy, data protection and possible excessive surveillance.[25]

- Prison staff and training: Inadequate staffing and training can harm prison management. Prison personnel need specialised training in human rights, mental health, conflict

[25] Radha Ranjan, "Evolution of the Doctrine of Proportionality: Assessing its Scope and Ambit in Relation to the Right to Privacy in India," 10(1) Indian Journal of Law and Human Behaviour 31–38 (2024).

management and treatment of vulnerable prisoners.

- Implementation gap: A key contemporary challenge is the gap between law and practice. Constitutional protections, judicial directions and model prison policies cannot deliver meaningful reform without effective implementation at State and institutional levels.

Therefore, modern prison reform in India demands a move away from a mainly custodial and punitive system toward one based on rights, rehabilitation, and correction. Tackling overcrowding, custodial violence, poor healthcare, discrimination, and insufficient rehabilitation is vital so that imprisonment stays in line with the constitutional promise of human dignity.

Suggestions and Recommendations

Reforming prisons in India effectively calls for moving away from a mainly punitive, custodial model toward a rights-based, rehabilitative and correctional one. The top priority should be cutting overcrowding by expanding bail, probation, parole and other non-custodial options, especially for low-risk offenders. Undertrial prisoners should get timely legal aid and regular case reviews to avoid needless, lengthy detention. Prison healthcare also needs major upgrading, with sufficient medical staff, medicines, specialist care and mental-health counselling.

Firm steps should be taken to stop custodial violence, torture and ill-treatment. Claims of abuse and custodial deaths should be probed swiftly and independently, with effective remedies for victims. Prison infrastructure should likewise be upgraded for proper sanitation, ventilation, food, hygiene and living conditions. Education, vocational training, skill development and counselling should also be strengthened so that imprisonment aids rehabilitation, not just punishment.

Special attention is due to women, children, elderly prisoners and persons with disabilities, who need sensitive, specialised treatment. Prison rules should be reviewed regularly to remove discrimination based on caste, gender, religion or other prohibited grounds. Independent inspections, accessible grievance mechanisms and better human-rights training for prison staff should also be reinforced. Lastly, post-release support through job assistance, counselling and

family reintegration is vital to curb stigma and reoffending. Prison reform must thus be seen as a human-rights duty, ensuring that loss of liberty never becomes loss of dignity.

Conclusion

Prison reform in India is not just a matter of prison administration; it is vital to constitutional governance, criminal justice and human rights protection. Indian prison jurisprudence has gradually shifted from a purely punitive and custodial approach to reformation, rehabilitation and social reintegration. The Constitution, especially Articles 14 and 21, along with judicial decisions, has established that imprisonment does not remove a person's basic human dignity and fundamental rights.[26]

Yet serious challenges persist despite these legal and judicial developments. Overcrowding, prolonged detention of undertrial prisoners, inadequate healthcare, poor living conditions, custodial violence, discrimination and limited rehabilitation opportunities still affect prisoners across India.[27] These problems expose a lasting gap between legal safeguards and their implementation.

Effective prison reform therefore requires enforcing existing laws and judicial directions, better infrastructure and healthcare, accessible legal aid, independent monitoring, human-rights training for prison staff, and stronger rehabilitation and post-release programmes. Special protection must also be ensured for women, children, elderly prisoners and persons with disabilities. Ultimately, a humane prison system should recognise that deprivation of liberty cannot justify deprivation of dignity. Prison reform must therefore stay centred on justice, accountability, rehabilitation and the successful reintegration of prisoners into society.

[26] The Constitution of India, 1950, arts. 14 and 21; Sunil Batra v. Delhi Administration, (1978) 4 SCC 494.
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