
THE JUDICIARY AS CUSTODIAN OF CONSTITUTIONAL MORALITY AND HUMAN RIGHTS OF PRISONERS IN INDIA

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ABSTRACT

This paper explores the crucial role of the Indian judiciary as the custodian of constitutional morality and the protector of the human rights of prisoners. Articles 14, 19, 21, and 22 of Indian Constitution are the foundation of this concept. The judiciary, especially the Supreme Court and High Courts, have gradually interpreted and extended these provisions to safeguard the dignity, liberty, and equality of incarcerated individuals. The paper highlights the judiciary's transformative jurisprudence, particularly in extending the ambit of Article 21 to encompass the right to life with dignity, protection against custodial violence, right to legal aid, fair and speedy trials, and freedom from arbitrary handcuffing or solitary confinement.

Through the analysis of landmark judgments *Sunil Batra v. Delhi Administration*, *Maneka Gandhi v. Union of India*, *DK Basu v. State of West Bengal*, and *R.D. Upadhyay v. State of Andhra Pradesh* the study underscores the judiciary's proactive stance in curbing institutionalized cruelty and asserting prisoners' rights. Special attention is given to the gender-sensitive adjudications aimed at protecting women prisoners and children born in custody. The research also delves into the role of prison reforms, constitutional accountability of executive agencies, and the judiciary's authority to award compensation in cases of illegal detention or custodial death. This study reaffirms that imprisonment does not entail the forfeiture of fundamental rights but only subjects an individual to reasonable restrictions consistent with prison discipline. In doing so, the judiciary emerges not merely as an interpreter of laws but as a dynamic institution championing constitutional morality and ensuring humane treatment for even the most marginalized those behind bars.

Keywords: Constitutional Morality, Human Rights, Prisoners, Judicial Activism, Incarceration

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INTRODUCTION

The Constitution of India expressly empowers the judiciary to uphold and safeguard human rights, primarily through the enforcement of the Fundamental Rights enshrined in Part III. In instances where these rights are violated, the judiciary is vested with the authority to intervene and ensure their restoration. The subordinate judiciary, by virtue of its accessibility to the general populace, serves as the initial point of recourse for the protection and enforcement of these rights. Since the adoption of the Constitution, India has been governed by the principle of the rule of law, as opposed to the arbitrary discretion of individual authorities.

The overarching purpose of various legislative enactments and the establishment of different organs of the state is to promote the welfare of the people and to safeguard their life, liberty, dignity, and fundamental human rights. While the higher judiciary comprising the Supreme Court and High Courts plays a pivotal role in this regard, the subordinate courts also perform a critical function in the preservation of human rights, especially due to their proximity and accessibility to the common citizenry.

Executive agencies such as the police and prison authorities are frequently cited in complaints related to human rights violations. Recognizing this, the Supreme Court has, over the years, taken considerable efforts to issue directions and formulate guidelines aimed at equipping the subordinate judiciary to address such violations effectively. Furthermore, repeated judicial instructions have been issued to executive bodies, cautioning them against infringing upon the rights and liberties of individuals.

In particular, the judiciary has shown heightened vigilance toward allegations of misconduct and abuse by police and prison officials, as these remain the most common sources of human rights violations. The legal framework comprising statutory provisions and a rich body of judicial pronouncements has evolved significantly to strengthen the protection of human rights within the Indian legal system. A detailed discussion of relevant legislative measures and landmark decisions of the Supreme Court concerning the safeguarding of human rights follows.

PRISONERS AND THE HUMAN RIGHTS

Firstly, the term prisoner means any individual confined or detained in a penal

institution involuntarily. The term is intended to encompass individuals sentenced to an institution under a criminal or civil statute, individuals detained in other facilities by virtue of statutes or commitment procedures which provide alternatives to criminal prosecution or incarceration in a penal institution, and individuals detained pending arraignment, trial, or sentencing³

Secondly, the term "human rights" may consist of two simple words, but when put together they represent the cornerstone of human equality and dignity. Human rights are universally accepted moral principles and normative standards that delineate the expected conduct within human society.⁴ These rights are not only philosophical ideals but are also codified and safeguarded through both national and international legal systems. Broadly understood, human rights are not granted by any ruler, constitution, or legislative enactment. These rights are inalienable and fundamental entitlements inherent to every individual solely by virtue of their humanity. They are intrinsic to all human beings, irrespective of any status or distinction, and serve as the foundational guarantees for a life of dignity, equality, and freedom. Emphasizing this foundational principle, the Supreme Court of India has significantly expanded the scope of Article 21 of the Constitution through a series of landmark judgments.

Section 2(1)(d) of the Protection of Human Rights Act, 1993 defines the words "Human Rights" as under: "Human Rights" means the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India."⁵

The Universal Declaration of Human Rights (UDHR), 1948, affirms that all individuals are born free and equal in dignity and rights. India, as a signatory to the UDHR, has reflected these principles in its Constitution, particularly through the Fundamental Rights enumerated in Part III of Constitution.⁶

The Universal Declaration of Human Rights (UDHR) was adopted in 1948, recognizing human dignity and fundamental freedoms. India, as a signatory, pledged to uphold and protect

³ <https://www.ncbi.nlm.nih.gov/books/NBK19878>

⁴ DR. MINAL H. UPADHYAY, "Role of Judiciary in Protecting the Human Rights of Prisoners" International Journal of Research in Humanities & Social Sciences Vol. 2, Issue: 8.

⁵ The Protection of Human Rights (Amendment) Act, 2019, Act No. 19 of 2019, s.2(d).

⁶ The Universal Declaration of Human Rights (UDHR), General Assembly. Res. 217A (III), U.N. Doc. A/810 at 71 (1948).

these rights. India incorporated a comprehensive set of human rights as Fundamental Rights into Part III of its constitution, effective January 26, 1950. These rights are legally enforceable and form the foundation of constitutional governance and human rights protection in India.

So, all living beings are born free and have basic rights, including life and liberty. However, if a person doesn't comply with societal ethics, they are deprived of these rights with proper punishments. Although a person commits any crime, it does not mean that by committing a crime, he ceases to be a human being and that he can be deprived of those aspects of life that constitute human dignity. Prisoners are also human beings and have a right to an appropriate standard of living, including food, drinking water, accommodation, clothing, and comfortable bedding

ROLE OF JUDICIARY IN PROTECTING THE RIGHTS OF PRISONERS

The judiciary in every country has a duty and constitutional responsibility to protect the human rights of its citizens. In India, the Constitution assigns this important role to the higher judiciary, namely the Supreme Court and the High Courts. The Supreme Court of India is known for being particularly active in safeguarding human rights and has earned a strong reputation for its independence and credibility.

The Preamble to the Indian Constitution reflects the vision of the Constitution-makers to create a new socio-economic order that ensures social, economic, and political justice, along with equality of status and opportunity for all. This fundamental goal of the Constitution requires all branches of the state the executive, the legislature, and the judiciary to work together in harmony to achieve the ideals expressed in the Fundamental Rights and the Directive Principles of State Policy.

Every society has a judicial system to protect law-abiding citizens, and it must also provide prisons for those who break the law. However, this does not mean that prisoners lose all their rights. Prisoners also have human rights that must be protected. In India, the Supreme Court has played an important role in interpreting Article 21 of the Constitution to develop legal principles that protect the dignity and rights of prisoners. If these rights are violated, it also becomes a matter under Article 14, which ensures equality before the law.

Laws like the Prison Act of 1894 and the Bharatiya Nagarik Suraksha Sanhita (BNSS)

2023, also address issues related to the treatment of prisoners and prevent cruelty by authorities. The judiciary, especially the Supreme Court, has actively addressed human rights violations in prisons and raised concerns about poor prison conditions. As a result, the rights of prisoners have become a key issue in the discussion on prison reforms, especially in the last few decades.

LANDMARK JUDGEMENTS SHAPING HUMAN RIGHTS

Our Judiciary recognised several rights and protection for the prisoners time to time. Few of such rights are discussed in the following paragraphs.

1. Right to Life and Personal Liberty: Article 21 of the Constitution states that "No person shall be deprived of his life or personal liberty except according to procedure established by law." This right is available to every individual citizen or foreigner and is regarded by the supreme court as the "Heart of fundamental rights". While its original interpretation was narrow. The judiciary has expanded the scope of Article 21 to include various rights that are essential to human dignity.

*In Maneka Gandhi v. Union of India*⁷ case Supreme court has shown great sensitivity to the protection of personal liberty. The court has re-interpreted Article 21 and practically overruled *Gopalan case*⁸ which can be regarded as a highly creative judicial pronouncement on the part of the supreme court and given to article 21, broader interpretation so as to imply many more fundamental rights. Article 21 has proved to be a very fruitful source of rights of the people and now assumed a "highly activist magnitude".

In Francis Coralie v. Union Territory of Delhi case Bhagwati J. stated that Article 21 embodies a constitutional value of supreme importance in a democratic society.⁹ Supreme court has held that the expression of life in article 21 does not connote merely physical or animal existence but embraces something more and cruelty or torture as being violative of article 21. Article 21 requires that no one shall be deprived of his life or personal liberty except by procedure established by law and this procedure must be reasonable, fair and just and not arbitrary, whimsical or fanciful. Court held that personal liberty includes rights to socialise with family members and friends as well as to have interviews with her friends.

⁷ AIR 1978 1 SC 597 SCC 248

⁸ AK Gopalan v State of Madras, AIR 1950 SC 27 SCR 88

⁹ AIR 1981 SC 746,752 1 SCC 608.

In *DBM Patnaik v State of Andhra Pradesh*¹⁰ case Supreme court stated that a convict is not denuded of all his fundamental rights. Imprisonment after conviction is bound to curtail some of his rights, eg. freedom to speech or movement, but certain other rights like right to hold property, could still be enjoyed by a prisoner. A convict claim that he should not be deprived of his life or personal liberty except procedure established by law.

In *State of Andhra Pradesh v. Challa Rama Krishna Reddy & Others* case¹¹ the Hon'ble Supreme Court ruled that both convicted and undertrial prisoners must be treated as human beings and are entitled to enjoy all the Fundamental Rights guaranteed by the Constitution of India. These rights include Article 14 (equality before the law), Article 19 (freedom of speech, expression, forming associations or unions, and freedom to move and reside anywhere in India), and Article 21 (right to life and personal liberty).

In *Sunil Batra v Delhi Administration*¹² case stand as a landmark in Indian prison administration. Court has observed that human rights jurisprudence in India has a constitutional status and sweep so that this magna carta may well toll the knell of human bondage beyond civilized limits. This case fundamentally affirming that prisoners do not forfeit their fundamental rights upon incarceration and also condemned the indiscriminate use of solitary confinement and bar fetters, declaring such practices as dehumanizing.

2. Right to Protection from Custodial Violence and Torture: The incidents of Brutal police behaviour towards persons detained on suspicion of having committed crime is a routine matter. There has been public outcry from time to time against custodial death. Our judiciary has taken a very positive stand against police atrocities, intimidation, harassment and use of third-degree methods to extort confession through judgements.

In *Mohan Lal Sharma v State of Uttar Pradesh*¹³ and *Rajasthan Kisan Sangathan v State of Rajasthan*¹⁴ Supreme court has ruled that a person detained lawfully by the police is entitled to be treated with dignity befitting a human being and that legal detention does not mean

¹⁰ AIR 1974 SC 2092 3 SCC 185.

¹¹ AIR 2000 SC 2083 5 SCC 712

¹² AIR 1980 SC 1579 3 SCC 488

¹³ AIR 1989 2 SCC 314

¹⁴ AIR 1989 Raj 10

that he could be tortured or beaten up. If police have ill-treated a detenu, he would be entitled to monetary compensation under article 21.

In *Raghubir Singh v State of Haryana*¹⁵ court has stressed that police torture is “disastrous to our human rights awareness and humanist constitutional order”. The court has squarely placed the responsibility to remedy the situation on the state.

In *DK Basu v State of West Bengal case*¹⁶ Apex court issued specific guidelines for police to follow during arrests and detentions. These guidelines aim to prevent and protect arrested person against torture, custodial violence, and ensure transparency. These guidelines include requirements for:

- Wearing visible identification and name tags by arresting officers.
- Preparing a detailed arrest memo with time, date, and witness.
- Informing the arrested person about the reasons for arrest.
- Allowing the arrested person to inform a relative or friend.
- Conducting a medical examination of the arrested person.

The court also emphasized that victims of police misconduct should receive compensation, and the State is vicariously liable for police actions. guidelines are a crucial step in safeguarding individual rights during arrest and detention. They promote accountability and transparency in police procedures. The case highlights the importance of judicial oversight in preventing custodial violence and upholding the rule of law.

3. Right to Presumption of innocence of accused as human right: Article 21 of the Constitution protects life and liberty, ensuring fair procedures and presumes innocence of all accused individuals unless proven guilty. This right begins in the trial court and continues up to the appellate stage, ensuring that liberty should not be interfered with unless there are compelling grounds.

¹⁵ AIR 1980 SC 1087 3 SCC 70

¹⁶ AIR 1997 (1) SCC 416

In *Shabnam Vs. Union of India*¹⁷ case court highlights the importance of the presumption of innocence, a cornerstone of human rights, even after conviction, particularly in death penalty cases. The case emphasized that condemned prisoners retain their right to dignity and legal protections, including the right to exhaust all legal remedies before execution. While the presumption of innocence primarily applies during the trial phase, but after such case demonstrates its relevance even after conviction, especially when the sentence is death.

In *Kailash Gour Vs. State of Assam*¹⁸, and in *Ranjitsing Brahmajeetsing Sharma Vs. State of Maharashtra*¹⁹, court stated that every accused to be innocent unless his guilt is proved. The presumption of innocence is human right. Subject to the statutory exceptions, the said principle forms the basis of criminal jurisprudence in India.

4. Right to Protection from Hand Cuffing: - Putting hand-cuff or bar-fetters on the person of the accused or the prisoners, keeping the prisoner into solitary confinement or subjecting them to any barbarous treatment or any other sort of inhuman treatment has also been deprecated by the Supreme Court as being violative of the fundamental rights under Article 21 of the Constitution.

In *Prem Shankar Shukla Vs. Delhi Administration*²⁰, the Supreme Court struck down the provisions of the Panjab Police rules which discriminated between the rich and the poor prisoner in determining who was to be handcuffed. The Court also held that in the absence of the escorting authority re-cording why the prisoner is being put under handcuffs, the procedure of handcuffing is a violation of Article 21.

In *Citizens for Democracy Through its President v State of Assam*²¹ case the court has directed that “handcuffs or other fetters shall not be forced on a prisoner convicted or under-trial while lodged in a jail anywhere in the country or while transporting or in transit from one jail to another or from jail to Court and back”. The police and jail authorities, on their own, shall have no authority to direct handcuffing of any one without the order of a magistrate for the purpose.

¹⁷ AIR 2015 6 SCC 702

¹⁸ AIR 2012 2 SCC 34

¹⁹ AIR (2005) 5 SCC 294

²⁰ AIR 1980 SC 1535

²¹ AIR 1996 SC 2193 3 SCC 743

- 5. Right to Prisoner's Grievances:** Judiciary has emphasized that a prisoner, whether a convict, under-trial or detenu does not cease to be human being and, while lodge in jail, he enjoys all his fundamental rights including the right to life guaranteed by the constitution.

*In TV Vatheeswaran v State of Tamil Nadu*²² Apex court stated that Article 14,19 and 21 are available to prisoners as well as freemen. Prison walls do not keep out fundamental rights.

In *Charles Sobraj v Supdt, Jail, Tihar case*²³ the court highlighted the rights of foreign prisoners and the broader principal that incarceration does not mean forfeiture of fundamental rights and court has ruled that it can intervene with prison administration when constitutional rights or statutory prescriptions are transgressed to the injury of the prisoners.

- 6. Right To fair Trial:** Conducting a fair trail for those who are accused of criminal offences is the cornerstone of democracy. A fair trial is the heart of criminal jurisprudence that is governed by Rule of law.

In *P Sanjeeva Rao v State of A.P.*²⁴ and *In Varkey Joseph v State of Kerala*²⁵ apex court has emphasized that right to fair trial in criminal prosecution is protected under article 21. Grant of fairest opportunity to the accused to prove his innocence is the object of every fair trial.

- 7. Right to Speedy Trial:** Right to speedy trial to be implicit in the spectrum of article 21. It is well settled that such right in all criminal prosecution is an inalienable right and this right is applicable not only to the actual proceeding but also includes within its sweep the proceeding police investigation as well.

In *Vakil Prasad Singh v State of Bihar*²⁶, *Hussainara Khatoon v Home Secretary, State of Bihar*²⁷, *A.R Antulay v RS Naik*²⁸, and many more cases apex court stated that quick justice is now regarded as sine qua non of article 21. Inordinately long delay may be taken as presumption proof of prejudice. it is implicit in the broad sweep and content of article 21. A

²² AIR 1983 SC 361 2 SCC 68

²³ AIR 1978 SC 1514 4 SCC 104

²⁴ AIR 2012 SC 2242 7 SCC 56(63)

²⁵ AIR 1993 SC 1892 SCC 745

²⁶ AIR 2009 SC 1882 3 SCC 355

²⁷ AIR 1979 SC 1360 1 SCC 81

²⁸ AIR 1992 SC 1701 1 SCC 225

fair trial implies a speedy trial. Fair, just and reasonable procedure interpreted in article 21 of the Constitution creates a right in the accused to be tried speedily.

- 8. Right to Free Legal Aid:** Our judiciary has taken a big innovative step forward in humanising the administration of criminal justice by suggesting that free legal aid be provided by state to poor prisoners facing a prison sentence.

*In MH Hoskot v State of Maharashtra*²⁹ supreme court has directed that the state should provide free legal aid to prisoner who is indigent or otherwise disabled from securing legal assistance where the end of justice calls for such service

*In Khatri v State of Bihar*³⁰, *Sheela Barse v State of Maharashtra*,³¹ *Ranjan Dwivedi v UOI*³² cases Supreme court has reiterated theme of providing legal aid to poor prisoners facing prison sentences again and again. For example, in Hussainara case the court has observed: “It is an essential ingredient of reasonable, fair and just procedure to a prisoner who is to seek his liberation through the court’s process that he should have legal services available to him.” Providing free legal service to the poor and the needy is an essential element of any “reasonable, fair and just procedure.”

- 9. Right to Protection against arrest:** The protection of the individual from oppression and abuse by the police and other enforcement officers is a major interest in a free society. Arrest and detention in police lock-up may be very traumatic for a person. It can cause him in calculable harm by way of loss of his reputation.

*In Joginder Kumar v State of Uttar Pradesh*³³ Supreme Court has clarified that no arrest can be made in a routine manner on a mere allegation of commission of an offence made against a person. It would be prudent for a police officer in the interest of protection of the constitutional rights of a citizen and perhaps in his own interest that no arrest should be made without a reasonable satisfaction reached after some investigation as to the genuineness and bona fide of a complaint and a reasonable belief both as to the person’s complicity and even so as to the need to effect arrest.

²⁹ AIR 1978 SC 1548 3 SCC 544

³⁰ AIR 1981 SC 928 1 SCC 623

³¹ AIR 1983 SC 378 2 SCC96

³² AIR 1983 SC 624 3 SCC 307

³³ AIR 1994 SC 1349 4 SCC 260

In *State of Madhya Pradesh v Shobharam*³⁴ case apex court held that a person arrested on accusation of a crime becomes entitled to be defended by a counsel at the trial and this right is not lost even if he is released on bail, or is tried by a court which has no power to impose a sentence of imprisonment. Also, in *Ramsarup v UOI*³⁵ case court held that if no request for being represented by a lawyer has been made, and so no such request has been turned down, then there is no breach of the Fundamental Right contained in article 22(1).

10. Acquisition of Learning as Human Right

In *Institute of Chartered Financial Analysts of India vs. Council of the Institute of Chartered Accountants of India*³⁶ case the court recognised that desire to acquire more qualification or learning in jail, it is an inherent human right of prisoner and prison administration make arrangement for that.

11. Rights in Respect of Prison Administration: In the post-Maneka era, in a catena of cases, the Supreme Court has exposed the cruelty of the system of prison administration in India, and has sought to humanize it. The court has taken an active interest in seeking to improve a system which is cruel and insensitive to human pain and suffering.

In *Shabnam v UOI*³⁷ court stated that when a person is in prison, allowing humane conditions in jail is part of human dignity. Prison reforms which are measures to make convicts reformed persons, so that they are able to lead a normal life and assimilate in society after serving the jail term, are motivated by human dignity jurisprudence.

In *Rama Murthy v State of Karnataka*³⁸ case supreme court, to improve the conditions in prisons made several suggestions. Court has emphasized upon reducing overcrowding in prison and upon giving proper medical care to the prisoners in jail.

12. Right to claim Damages: A new judicial trend has manifestation of “dynamic constitutional jurisprudence” in the area of personal liberty for some time now. In which court can award compensation to one who may have unduly suffered detention or bodily harm at the hands

³⁴ AIR 1966 SC 1910

³⁵ AIR 1956 SC 247

³⁶ AIR 2007 SC 12 SCC 210

³⁷ AIR 2015 SC 3648 6 SCC 702

³⁸ AIR 1997 SC 1739 2 SCC 642

of the employee of the state, and the victim can move a writ petition for this purpose rather than take recourse to an ordinary civil suit.

In *Rudul Shah v State of Bihar*³⁹ case the Supreme Court in a writ petition under Article 32 awarded Rs. 35000 as compensation against the state of Bihar to the petitioner because he was kept in jail for 14 years after he had been acquitted by a criminal court. The sum ordered by the court was only an interim measure. It did not preclude the petitioner from suing the state and its officers for appropriate damages.

In *Nilabati Behera v State of Orissa*⁴⁰ awarding damages of Rs.150000 to the petitioner in a case of police custodial death, the Supreme Court has said of Article 32 that this provision imposes an obligation on the court “to forge such new tools which may be necessary for doing complete justice and enforcing the fundamental rights guaranteed in the constitution”. The remedy provided by Supreme court or by High Court under article 32 or 226 respectively, “is a remedy available in public law, based on strict liability for contravention of fundamental rights to which the principle of sovereign immunity does not apply, even though it may be available as a defence in private law in an action based on tort.”

13. Narcoanalysis/Polygraph/Brain Mapping

In *Selvi Vs State of Karnataka*⁴¹ case the Supreme Court has held that Narcoanalysis, Polygraph Tests, and Brain Mapping are unconstitutional and violate human rights. This ruling is seen as a setback for investigative agencies, as it may make it more difficult to gather evidence and secure convictions. However, the Court clarified that such tests can only be conducted if the person voluntarily agrees to them. Even then, the results of these tests cannot be used as evidence in court, but they may be used to assist in the investigation process.

GENDER SPECIFIC JUDGEMENTS

Women Prisoners: The Indian judiciary has increasingly recognized the unique

³⁹ AIR 1983 SC 1086 4 SCC 141

⁴⁰ AIR 1993 SC 1960 2 SCC 746

⁴¹ AIR 2010 7 SCC 263:

vulnerabilities and needs of women in custody, issuing gender-specific directions and guidelines to safeguard their rights and dignity.

In *Sheela Barse v State of Maharashtra*⁴² the court has given directions to ensure protection against torture and mal-treatment of women in police lock-up. There should be a separate lock-ups for female suspects guarded by female constables, interrogation of females should be carried out only in the presence of female constables.

In *Hussainara III*⁴³ case the court has characterised “protective custody” as “really and in truth nothing but imprisonment” which violates Article 21. The court has also frowned upon the practice of keeping women in prison without being accused of any crime. These women are kept in prison merely because they happen to be victim of an offence, or they are required for the purpose of giving evidence, or they are in protective custody. The court has directed the government to set up welfare and rescue homes to take of destitute women and children.

In *Choki v State of Rajasthan*⁴⁴ case the court recognized the need to consider the welfare of a women prisoner’s child when deciding on bail, citing Article 15(3) as the constitutional basis for such leniency.

In *R.D. Upadhyay v State of Andhra Pradesh*⁴⁵ supreme court recognized the pressing need to protect the rights and welfare of children born or residing in jails with their jailed mothers. The court established set of rules that all states and union territories must follow since it acknowledged that these children are innocent and should not be subjected to hardship because of their mother’s situation. Court also directed that authorities must make sure the prison provides the bare minimum of facilities for a safe delivery and for the provision of pre natal and post natal care for both mother and child before placing a pregnant woman there.

In *Reena Banerjee v Government of NCT Delhi* case Delhi high court highlighted the vital role of NGOs in facilitating prison and institutional reform for women, particularly those with mental health challenges or disabilities.

⁴² AIR 1986 SC 1773 3 SCC 596

⁴³ AIR 1979 SC 1360,1367: 1 SCC93

⁴⁴ AIR 1957

⁴⁵ AIR 2006 SC

In *State of Maharashtra v Christian Community Welfare Council*⁴⁶ case supreme court addressing the rights and procedural safeguards for women during arrest, detention and their access to bail and parole. The judgement reinforced the principle that special procedural safeguards for women are essential but must be balanced with practical needs of law enforcement.

Conclusion

This paper explores the foundational role of the Indian judiciary as a custodian of the constitution and a key factor in upholding the human rights of prisoners. Our constitution context that empowers courts especially under article 14, 21 and 22 to interpret custodial rights in a manner aligned with dignity, equality, and liberty. This paper underscores how the Supreme Court and High Court have progressively broadened the scope of Article 21 to include right to life and personal liberty, protection against custodial violence, illegal arrest and torture, right to privacy, right to presumption of innocence of accused as human right, right to free legal aid, speedy trial, fair trial protection from handcuffing etc. The judiciary has persistently asserted that imprisonment does not mean the forfeiture of fundamental rights, it only implies reasonable restrictions for institutional discipline. This principle is reinforced in seminal judgements such as *Sunil Batra v Delhi Administration*, *Sheela Barse v State of Maharashtra*, and *Charles Sobhraj v Superintendent, Central Jail*, which collectively cemented the rights of prisoners live with dignity. Other significant cases, such as *R.D. Upadhyay v State of A.P.*, *State of Andhra Pradesh v Challa Ramakrishna Reddy* case established state liability for custodial deaths and affirmed special protections for women prisoners. Court have repeatedly stressed the importance of prison reform and improvement of prison administration according to gender specific needs additionally, the judiciary struck down discriminatory prison practices, including caste-based segregation and arbitrary classification of inmates, mandating that prison manuals be updated in accordance with constitutional guarantees. The judiciary, while constrained by systemic inertia, remains the most assertive and empathetic institution advocating for the invisible lives behind bars.

⁴⁶ AIR 2003