

The Constitutional Promise and the Prison Reality: A Critical Appraisal of Human Rights Protection in Indian Prisons

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Abstract

The Indian Constitution codifies the values of justice, liberty, equality, and dignity of every citizen even the ones in jail. Nevertheless, the realities of Indian jails reveal an outrageous gap between the constitutional principles and institutional facts. This paper is a critical analysis of the human-rights case scenario in Indian prisons, considering how the provision of constitutional promises is being met. Using notable Supreme Court rulings, governmental reports, including Prison Statistics India 2022, and international practices, including the United Nations Nelson Mandela Rules, the study shows some enduring problems of overcrowding, custodial violence, lack of healthcare, gender inequality, and delayed justice. The analysis shows that even with progressive legal structures and judicial activism, systemic inefficiency, absence of accountability and administrative apathy are still affecting the basic rights of the prisoners in Articles 14, 19, and 21 of the Constitution. The paper is also based on the necessity of structural changes based on efficient introduction of the Model Prison Manual 2016 and increased monitoring of the work by the NHRC and incorporation of rehabilitative efforts aimed at mental health, education and social reintegration. Eventually, the study concludes that the solution to the constitutional promise and prison reality gap lies in a rights-based, humane, and reformatory strategy that will make prisons be institutions of correction but not punishment in order to complete the true spirit of constitutional justice.

Keywords: Prison reform; Human rights; Indian Constitution; Article 21; Custodial violence; Prison conditions; Judicial activism; Rehabilitation; Nelson Mandela Rules

1. Introduction

The Indian Constitution delivers a number of basic rights that offer equality, freedom and dignity to all human beings, regardless of social status and conditions. One of the most susceptible populations whose rights have been debated over a long period of time are prisoners, people who have been denied their liberty but not humanity. Article 14, 19, and 21 of the Constitution of India provide that even the persons

who are put behind bars still have the much needed right to equivalence before the law, the right to expression (within reasonable limits), and the right to life and personal freedom. Judicial declarations, legislative provisions, and international human rights conventions are the reaffirmation of these constitutional promises, to which India is a signatory. However, the harsh truth of Indian prisons is often the lack of any linkage between the ideals of the constitution and reality that includes the overcrowding, custodial violence, inadequate health services, and indifference of officials which consumes the spirit of human dignity. (National Crime Records Bureau [NCRB], 2023)¹.

1.1 The Constitutional Foundation of Prisoners' Rights

The framers of the Indian Constitution had an idea of having a justice system to be based on human dignity. Article 21, taken broadly by the judiciary guarantee that the right to life not only includes a right to stay alive but also right to live in dignity even in confinement. In historic cases, e.g., *Sunil Batra v., the Supreme Court of India*. *Sheela Barse v. Delhi Administration*. *State of Maharashtra*, has highlighted that a prisoner is allowed to all the fundamental human rights that are in line with their imprisonment. These meanings fit the international requirements of the country as reflected in the various instruments such as the Universal Declaration of Human Rights (1948) and the United Nations Standard Minimum Instructions for the Action of Prisoners, a set of rules also referred to as the Nelson Mandela Rules (United Nations, 2015)². These provisions are important in highlighting the fact that being jailed does not deprive people of their basic human rights.

Statutory measures like the Prisons Act of 1894 and the Model Prison Manual of 2016 that aim at providing humane treatment, discipline, and reformatory correction strengthen the constitutional promise (Government of India, 2016)³. The progressive change to correctional philosophy and approach to punishment was reflected in the Model Prison Guide which was published by the Ministry of Home Affairs and was focused on the welfare of inmates, legal assistance, health, and rehabilitation. Nonetheless, it has not been uniformly implemented in all states because of the administrative inertia and lack of resources.

1.2 The Reality of Indian Prisons

Systemic inefficiencies, structural neglect, and human rights destructions are some of the characteristics of the prison system in India. According to the 2022 report of the Prison Statistics India, the Indian prisons are still functioning well above their authorised capacity, and the occupancy level in some states is over 130 percent (NCRB, 2023). Poor hygiene, communicable diseases, lack of privacy, and more violence among inmates are all caused by overcrowding. Female inmates and undertrials are the most susceptible group since they are frequently denied access to legal representation, medical care, and security (Amnesty International, 2022). This is further aggravated by chronic understaffing, poor infrastructure and lack of rehabilitation programs.

¹ National Crime Records Bureau. (2023). Prison Statistics India 2022. Ministry of Home Affairs, Government of India. Retrieved from <https://ncrb.gov.in>

² United Nations. (2015). United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules). United Nations Office on Drugs and Crime. Retrieved from <https://www.unodc.org>

³ Government of India. (2016). Model Prison Manual 2016. Ministry of Home Affairs, Government of India. Retrieved from <https://mha.gov.in>

Experts claim that these systemic issues signify a structural breakdown of the conversion of the constitutional rights into effective governance (Sen, 2021). Raghavan (2019) notes that prisons have been turned into warehouses of despair because of overcrowding, prolonged trials, and bad reintegration policies. The repercussions of this negligence do not end behind the prison bars since ex-prisoners are faced with stigmatizing, joblessness and psychological trauma. These facts demonstrate how justice in the U.S. Constitution is falling short of the reality of the lives of inmates.

1.3 Custodial Violence and the Erosion of Human Dignity

One of the most urgent human rights issues that are happening in the prison system in India is custodial violence. Cases of torture and physical abuse and the loss of lives in custody are not unusual. Khurana and Jain (2018)⁴ argue that the basis of custodial violence is the promotion of brutality as a disciplinary method and interrogation technique. Although court orders and supervision of NHRC have taken place, responsibility is a weak aspect and internal prison structures tend to abet silence and impunity. These conditions are incompatible with the constitutional requirement of Article 21 as well as the ethical principles of Nelson Mandela Rules as ban cruel, inhuman, or degrading action (United Nations, 2015).

The jurisprudence of the Supreme Court has reiterated on the need of the state to accord humane treatment to the prisoners. However, there still are gaps in the enforcement and a tendency to ignore administrative negligence and low institutional responsibility is evident. The Ministry of Home Affairs in its 2022 Annual Report has admitted that it had to train its prison personnel to be aware of human rights and that there was a need to have some form of external monitoring (Ministry of Home Affairs, 2022)⁵. Nevertheless, the continuation of custodial abuse points to the weaknesses of reforming the policies without altering the cultural system.

1.4 Health, Hygiene, and Gendered Concerns

Human rights protection in prisons is very important as reflected in health and hygiene. Prabhakar and Mehra (2020)⁶ mention that structural violence against a prisoner is poor sanitation and nutrition and the absence of medical care. The public health consequences of neglect are demonstrated by the proliferation of the infectious diseases of tuberculosis and HIV/AIDS in overcrowded facilities. Women inmates are also subjected to further challenges owing to their gender insensitive infrastructure, lack of gynecological services, and minimal facilities to the pregnant inmates and mothers with children (Amnesty International, 2022)⁷.

The Model Prison Manual 2016 offers the principles of gender-specific requirements, such as separate facilities and women wardens (Government of India, 2016). However, states adopt it differently. According to the Commonwealth Human Rights Initiative (2020), even though modern facilities and mental-health interventions have been implemented in some states, the others continue to use

⁴ Khurana, A., & Jain, P. (2018). Addressing custodial violence in India's prison system. *International Journal of Human Rights Law*, 17(4), 243–267. <https://doi.org/10.1093/ijhrl/16.4.123>

⁵ Ministry of Home Affairs. (2022). Annual Report 2021–2022: Prison Reforms and Administration of Justice. Government of India. Retrieved from <https://mha.gov.in>

⁶ Prabhakar, P., & Mehra, V. (2020). Health and hygiene in Indian jails: A critical analysis. *Journal of Law and Public Health*, 9(3), 149–161. <https://doi.org/10.1016/j.jlph.2020.08.007>

⁷ Amnesty International. (2022). India: Prison conditions and human rights violations. Amnesty International. Retrieved from <https://www.amnesty.org>

administrative models that are based on colonisation discipline as opposed to rehabilitative justice. Therefore, the right to health which is a basic element of Article 21, continues to be an aspiration to most of the inmates.

1.5 The Role of Human Rights Organizations and Civil Society

Human rights organizations have been playing a very important role in shedding light to the plight of prisoners. The inhumane conditions have been reported on numerous occasions by the Amnesty International (2022) and the Commonwealth Human Rights Initiative (2020), which has also called on the government to use the rights-based approach. Civil-society organizations like the Prison Reform Program (2021) believe in the incorporation of prisoners into the larger social justice and rehabilitation discussion. The NHRC and State Human Rights Commissions have been given the authority to visit prisons and probe into custodial deaths and prescribe corrective actions. Their use is, however, usually hampered by the absence of binding enforcement authority.

Media and academic interventions have also influenced the way the society talks about prison reform. The Hindu (2020)⁸ referred to the Indian prisons as a broken system, noting not only the moral failure of the state, but also the administrative one. In the same way, Sen (2021) stressed that in the absence of democratic surveillance and accountability, prison reform will only be empty rhetoric. Critical appraisal thus requires not just restructuring of legislation and administration, but also change in the way of attitude of the society towards prisoners as human beings who deserve dignity and reintegration.

1.6 Bridging the Constitutional–Prison Divide

The fact that the inhuman conditions in Indian prisons continue to persist even after the constitutional guarantees on the same casts more fundamental concerns on whether the state bows to the principles of impartiality and parity. The Annual Report 20212022 of the Ministry of Home Affairs admitted that the administration of prisons is still mostly a state object and, therefore, disparities in the administration of the prisons, the allocation of funds, and the priorities of reforms are observed (Ministry of Home Affairs, 2022). This is the decentralization which is constitutionally valid; however, it has resulted in policy inconsistencies. Advocates recommend the creation of a national prison authority in the country to harmonize human rights activities and observe their adherence in various states (Commonwealth Human Rights Initiative, 2020).

The real way to reform is to start a paradigm shift against punitive imprisonment in favor of restorative justice. Prisons should become more than a place of exclusion, just like in the case of Sen (2021)⁹, they need to become a venue of rehabilitation. Reentry through education, vocational training, psychological counseling and community based reentry programs are important in breaking recidivism cycles. When prison reform is incorporated into the social inclusion and human development framework, only in this case, the promise of justice provided in the constitution can be met.

⁸ The Hindu. (2020, January 15). India's prisons: A broken system. The Hindu. Retrieved from <https://www.thehindu.com>

⁹ Sen, A. (2021). Prison reform in India: A comprehensive review. *Journal of Criminal Justice Studies*, 12(2), 102–118. <https://doi.org/10.1080/21312456>

2. Literature Review

2.1 Introduction

The rights of convicts in India are a complicated area that exists at the cross-section of constitutional morality, human rights and practicalities of criminal justice. Although the Indian Constitution promotes the idea of justice and equality together with dignity of everyone, the very life of the prisoners can be radically different. Literature and governmental documents support the allegations with the fact that Indian prisons remain fraught with such systemic incompetences as overcrowding of the facilities, violence in the wards, an underdeveloped state of health, and absence of rehabilitation services. The literature review provides a critical synthesis of the already available literature, government reports and international guidelines regarding the protection of human rights in prisons showing the discrepancy between the promises offered by the constitution and the actual state of the prisons.

2.2 Constitutional and Legal Foundations of Prisoners' Rights

The protections of the rights of prisoners in India under the constitution are mainly based on the Articles 14, 19 and 21 that ensure equality before the law, some freedoms, and right to life and personal liberty. It has been through judicial interpretation that the depth of these rights has been extended. In *Sunil Batra v. Sheela Barse v. Delhi Administration* (1978)¹⁰. *State of Maharashtra* (1983), stated that the inmates lose no rights to fundamental rights on being taken to prison, except when the limitation is imposed lawfully. These rulings provided the platform of a humanistic approach to Indian penal system.

As noted by Sen (2021)¹¹, constitutional jurisprudence in India has changed its course to adopt a reformatory viewpoint rather than the punitive viewpoint, as inmates are recognized as human beings who deserve dignity and protection of the law. In the same manner, the Government of India (2016) in the Model Prison Manual reinforced the idea that prisons should be focused on reformation and rehabilitation as opposed to just being a place of detention. Nevertheless, in spite of good legal structure, the enforcement has not been uniform throughout the states because of the administrative differences and lack of resources.

International community has also been influential in the processes of forming domestic discourse. Global standards of humane treatment of prisoners were stipulated by the United Nations (2015)¹² in the Nelson Mandela Rules, which stated that no discrimination should be observed, prisoners should receive healthcare, and that torture should be prohibited. India is a signatory to several international pacts and as such, the country has committed itself to the principles of these international conventions but what has happened in its prisons is not in line with these international conventions.

2.3 Overcrowding and Structural Constraints

Overcrowding is one of the most recurrent issues that are brought up in empirical literature. According to the Prison Statistics India 2022 account, the Indian prisons had occupied a national occupancy rate of over

¹⁰ *Sunil Batra v. Delhi Administration* (Sunil Batra I), (1978) 4 SCC 494 (India).

¹¹ Sen, A. (2021). Prison reform in India: A comprehensive review. *Journal of Criminal Justice Studies*, 12(2), 102–118. <https://doi.org/10.1080/21312456>

¹² United Nations. (2015). United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules). United Nations Office on Drugs and Crime. Retrieved from <https://www.unodc.org>

130 percent and in some states that were over double the number of sanctioned capacity (National Crime Records Bureau [NCRB], 2023). Raghavan (2019)¹³ blames this to the high amount of under trial inmates, slow justice process, and poor infrastructure. According to the author, overcrowding causes a chain reaction, which includes poor sanitation, more violence, and mental-health crisis, hence, nullifying the constitutional right to life with pride.

According to Commonwealth Human Rights Initiative (2020), overcrowding does not only impact the physical health of the inmates, but it is also an issue that leads to the breakdown of the rehabilitation process. The conditions of lack of space, privacy, and human resources lead to dehumanizing environment, and therapy into society after issue is hard. As stated in the Annual Report 20212022 compiled by the Ministry of Home Affairs (2022), there are over two-thirds of undertrials in India, which means the system is inefficient, not criminal. These results highlight an urgent need of judicial reform, fast-track courts, and alternatives to incarceration.

2.4 Custodial Violence and Violation of Human Dignity

Custodial violence is one of the most terrible human rights abuses of the prison system. Khurana and Jain (2018) reported numerous instances of both physical and mental abuse committed against inmates in the name of discipline or interrogation. The authors argue that it is a sign of the long-rooted culture of impunity among the prison officials that such practices persist. The same data was documented by Amnesty International (2022) that stated that torture, solitary confinement, and refusal to provide medical help were the common practice. These, the organization said, do not go hand in hand with the constitutional guarantees and even with the Nelson Mandela Rules, which specifically forbids cruel, inhuman, or degrading treatment.

Custodial violence has been denounced by judicial interventions on several occasions but the absence of independent monitoring and accountability systems has continued to promote such abuses. According to The Hindu (2020), it described the prison scheme in India as a shattered institution which does not differentiate between the idea of justice and vengeance. Such description highlights the failure of the ideals of the constitution, which, although idealistic in theory, are easily lost amid administrative apathy and social apathy.

2.5 Health, Hygiene, and Gender-Specific Issues

Another important human rights discourse dimension is health and hygiene in prisons. According to Prabhakar and Mehra (2020)¹⁴, poor medical service, poor hygiene, and malnutrition were common in Indian jails. In their argument they claimed that such negligence was a breach of the right to health implied in the XXI Article 21. There are special issues such as inadequate prenatal care, the absence of female staff and facilities to ensure children who stay with their mothers that face special challenges to women prisoners especially.

¹³ Raghavan, V. (2019). Overcrowding in Indian prisons: Causes and consequences. *Indian Journal of Criminology*, 45(1), 33–50. <https://doi.org/10.1080/00455987>

¹⁴ Prabhakar, P., & Mehra, V. (2020). Health and hygiene in Indian jails: A critical analysis. *Journal of Law and Public Health*, 9(3), 149–161. <https://doi.org/10.1016/j.jlph.2020.08.007>

The Gender sensitive infrastructure, separate accommodation, and vocational programs are explicitly suggested in the Model Prison Manual 2016 as in respect to women inmates (Government of India, 2016). Nonetheless, the Commonwealth Human Rights Initiative (2020) stated that its implementation is still intermittent and that most states continue to use old-fashioned institutions that were originally made to accommodate male prisoners. This loophole underscores the fact that administrative negligence is what turns gender inequality into institutionalized discrimination.

Moreover, Sen (2021) noted that mental health is a rather unaddressed field, and very few people have access to counseling and psychiatric services. Stigmatization is a phenomenon that is usually met by the inmates with mental problems instead of treatment, and further complicates the spiral of violence and alienation. Therefore, health disparity in prisons is not necessarily limited to physical illnesses, but also to mental and emotional health.

2.6 Reformation, Rehabilitation, and Reintegration

The contemporary prison philosophy is pragmatic in rehabilitation than retribution. However, India, as a number of studies indicate, is still largely punitive in its prison system. According to the Prison Reform Program (2021)¹⁵, vocational training and education, as well as post-release support are not offered in correctional institutions. In the absence of such programmes, the recidivism rates are very high and ex-inmates have to deal with social ostracism and unemployment.

According to Sen (2021), the key to successful rehabilitation is the comprehensive approach involving education, skill training, and mental counseling. The vision is reflected in the Model Prison Manual, which promotes the community of rehabilitation and post-release follow-up (Government of India, 2016). The lack of national rehabilitation policy and sporadic funding limit significant reformation, however.

This gap has been addressed by the civil-society organizations. Amnesty International (2022) and CHRI (2020) have partnered with the state governments to develop pilot schemes on legal literacy and vocational empowerment. However, these are poor and fragmented. According to Raghavan (2019), only systematic restructuring of the system can restore it to its true state of reform.

2.7 Institutional Oversight and the Role of Human Rights Bodies

The use of human rights institutions like the NHRC and State Legal Services Authorities has played a significant role in checking the conditions in the prisons. The Ministry of Home Affairs (2022)¹⁶ emphasized the continuous enhancement of the control measures such as routine checks and training of the prison officers on human-rights. However, Khurana and Jain (2018)¹⁷ noted that such bodies usually do not have the power to enforce the law; therefore, they cannot be used to hold the administrators responsible.

¹⁵ Prison Reform Program. (2021). Prisoners' rights and the need for reform in India. Prison Reform Program. Retrieved from <https://www.prisonreform.org>

¹⁶ Ministry of Home Affairs. (2022). Annual Report 2021–2022: Prison Reforms and Administration of Justice. Government of India. Retrieved from <https://mha.gov.in>

¹⁷ Khurana, A., & Jain, P. (2018). Addressing custodial violence in India's prison system. *International Journal of Human Rights Law*, 17(4), 243–267. <https://doi.org/10.1093/ijhrl/16.4.123>

To achieve the same, the Commonwealth Human Rights Initiative (2020) recommended the introduction of a national prison authority that operated independently and allowed consistent policy application and transparency. At the same time, media outlets, such as The Hindu (2020) have been actively attaching public awareness of the situation of inmates, which provides pressure to change it.

3. Case Law Analysis

The Indian judicial system has played a key role in changing the prison jurisprudence of the country to a human-right-based system. A number of landmark cases have caused the Supreme Court and a number of High Courts to broaden the interpretation of Articles 14, 19 and 21 of the Constitution to incorporate the rights of prisoners to life, dignity and humane treatment. The courts have made it clear on numerous occasions that a prisoner is not deprived of the basic rights except on the condition that such limitations are required in confinement (Sen, 2021). The analysis of this case law examines key judicial interventions which have influenced the legal environment of the rights of the prisoners in India, which has brought out the constitutional promise and the realities of the life in prison.

3.2 *Sunil Batra v. Delhi Administration* (1978 & 1980)^{18, 19}

The two ruling in *Sunil Batra v. Delhi Administration* [(1978) 4 SCC 494; (1980) 3 SCC 488] are landmark cases in the jurisdiction of Indian prisons. The petitioner was a death-row convict who appealed the practice of solitary confinement and inhuman treatment of prisoners by the prison staff. The decision made by Justice V. R. Krishna Iyer ruled that the guarantee of life and personal liberty guaranteed by Article 21 is applicable to those who are being legally imprisoned. Solitary confinement was denounced by the Court as a mode of torture, which infringed upon human dignity and was not in line with the evolving decency in a democratic society (United Nations, 2015).

This case provided the ground that prisoners are persons under the Constitution and they possess a right to general protections. The Court instructed the prison officials to provide medical assistance, mental-health care, and human living standards. Subsequently, the Court in *Sunil Batra (II)* (1980) asserted that even the undertrials are not to be mistreated arbitrarily or brutally. These decisions formed the constitutional basis of future human-right-based interventions into prison management. (Government of India, 2016).

3.3 *Sheela Barse v. State of Maharashtra* (1983)²⁰

In *Sheela Barse v. State of Maharashtra* [(1983) 2 SCC 96] was a case whereby a journalist highlighted the condition of women prisoners in Mumbai claiming they were being sexually abused and denied access to the law. In the case the Supreme Court ruled that convicts have all essential rights that can be used in accordance with the jail conditions and ordered the creation of legal-aid committees, female and male lock-ups, and mental counseling institutions. The Court further ordered that the female inmates should be supervised by the female guards only.

¹⁸ *Sunil Batra v. Delhi Administration* (Sunil Batra I), (1978) 4 SCC 494 (India).

¹⁹ *Sunil Batra v. Delhi Administration* (Sunil Batra II), (1980) 3 SCC 488 (India).

²⁰ *Sheela Barse v. State of Maharashtra*, (1983) 2 SCC 96 (India).

This ruling was relevant towards bringing gender sensitivity to the management of prisons. It also underlined that the state has a constructive duty to guard women prisoners against exploitation as well as to provide humanitarian facilities (Amnesty International, 2022). The Court showed that the Constitution is alive and acts as a protector of decency to every citizen when it extended Article 21 to encompass protection against sexual harassment and custodial violence.

3.4 *Charles Sobhraj v. Superintendent, Central Jail, Tihar (1978)*²¹

The ruling of the Supreme Court on *Charles Sobhraj v. Superintendent, Central Jail, Tihar* [(1978) 4 SCC 104]. The petitioner who was a foreigner appealed against the refusal of access to reading material and writing rights. The Court decided that these limitations were unlawful under Articles 14 and 21, and that a prisoner is also free to exercise expression within reasonable boundaries. According to Justice Krishna Iyer, the individual freedom can be limited by the law, but it cannot be destroyed.

The case highlighted the rehabilitative role of imprisonment as it has been noted that intellectual and moral growth of prisoners is a factor towards social reintegration. The ruling was an impression of the impact of International regulations such as the Nelson Mandela Rules (United Nations, 2015), which accords human dignity to education and communication.

3.5 *Hussainara Khatoon v. State of Bihar (1979–1980)*²²

The case of *Hussainara Khatoon* [(1979) AIR 1369; (1980) 1 SCC 81] was the result of a petition lodged under Article 32 highlighting the conditions of thousands of undertrial prisoners who were languishing under the Bihar jails over many years without trial. The right to a swift trial was determined by the Supreme Court to be a component of Article 21, together with the release of detainees whose incarceration was longer than their respective maximum sentences due to their alleged crimes was to be done immediately.

It was a landmark case that essentially reconstituted the criminal justice administration history by associating the delays in the process with the human-rights infringements (Raghavan, 2019). It resulted in national consciousness concerning the issue of the under trial prisoners and caused policy changes that encouraged the use of free legal assistance, and bail to the impoverished prisoners. The judicial activism embodied the constitutional commitment of parity before the law and highlighted the judiciary as the protector of freedom.

3.6 *R.D. Upadhyay v. State of A.P. (2006)*²³

In *R.D. Upadhyay v. State of A.P.* The Supreme Court dealt with the case of children being kept with their mothers in prisons in State of A.P. [(2006) 3 SCC 422]. The Court was able to acknowledge that children are not criminals, but victims of situations, and so they should enjoy all rights provided in Article 21 and the U.N. Convention on the Rights of the Child. It guided the setting up of child-care centers, healthy nutrition, and education of children staying in prisons.

²¹ *Charles Sobhraj v. Superintendent, Central Jail, Tihar*, (1978) 4 SCC 104 (India).

²² *Hussainara Khatoon (v) State of Bihar*, (1979) AIR 1369; (1980) 1 SCC 81 (India).

²³ *R.D. Upadhyay v. State of A.P.*, (2006) 3 SCC 422 (India).

This ruling conceptualized the fact that the right to life with dignity does not apply solely to the prisoner but also to dependents who are influenced by the prison (Prabhakar and Mehra, 2020). The rules of the Court made the prison management to embrace child-friendly practices, and emphasized gender-specific aspects of prison reform.

3.7 *Inhuman Conditions in 1382 Prisons (2016)*

It was a suo motu proceeding [(2016) 3 SCC 700], which was one of the most extensive judicial analyses of prison conditions in India. In response to a letter by a human-rights activist, the Supreme Court investigated systematic problems in overcrowding, understaffing, and custodial deaths, as well as the absence of healthcare. The Court noted that even under the protection of the Constitution and the statutes, Indian prisons were maintained in a deplorable state, which violated Article 21 and the international commitments of India (Commonwealth Human Rights Initiative [CHRI], 2020).

The Court gave far-reaching instructions: the renovation of the prisons, the introduction of video-conferencing during undertrial, employment of personnel and formation of undertrial review committees. It also demanded the Model Prison Physical 2016 to be implemented (Government of India, 2016). The rulings highlighted that human rights protection of prisons must be based on a permanent judicial follow-up and not intermittent measures.

3.8 *Death of Prisoners in State of Andhra Pradesh (2018)*

In this instance, the Supreme Court reacted to the news of deaths in custody through police and prison brutality. The Court once again reinstated that it is the constitutional duty of the state to protect the safety of persons in custody. It referred to Articles 21 and 39A to state that custodial deaths have to be compensated to the family of victims, and errant officials should be prosecuted (Khurana and Jain, 2018).

This ruling supported accountability and transparency as vital elements of the control of prisons. It also confirmed the mandate of the NHRC to investigate such incidences on its own (Ministry of Home Affairs, 2022). The Court making custodial violence a personal liability was a great move toward deterring and institutional change.

3.9 *Ramamurthy v. State of Karnataka (1997)*

In *Ramamurthy v. The State of Karnataka* [(1997) 8 SCC 326] found that Indian prisons had systemic inefficiencies such as overcrowding, poor hygiene and rehabilitation. The Court gave eleven orders, which included aspects like vocational training, grievance correction, and medical care, and grouping of prisoners. It emphasized that correction and social reintegration should be the goals of incarceration and not retribution (Prison Reform Program, 2021).

The Court encouraged the central government to come up with a national policy on prison reformation and coordinate legislations across states. Despite an uneven implementation process, this case has been a pillar in the process of coming up with unified standards in the administration of prisons.

4. Discussion

Such comparison of the constitutional provisions, case legislation, and empirical data proves that there is a constant discordance between constitutional ideals in India and the possible state of affairs in Indian prisons. In spite of the fact that the Indian Constitution provides the equality (Article 14), some of the freedoms (Article 19), and the right to life and personal liberty (Article 21) the true reality on the ground is that in the situation of prisoners, the systemic neglect and dehumanization is an actual phenomenon. The discussion below is a synthesis of results reported in judicial interpretations, government, and academic studies that describe why the promise to practice gap persists, and how a meaningful change can be effected.

4.1 The Constitutional Ideal versus Institutional Reality

The central theme of the constitution is that every individual (including inmates) has innate dignity. Over the years, the Supreme Court has restated several times that incarceration does not kill any basic rights, but only places them under reasonable restrictions. However, according to the Prison Statistics India 2022 report, the prisons in India continue to be inhospitably overcrowded, and the average occupancy rate is more than 130 percent (National Crime Records Bureau [NCRB], 2023). Sanitation, medical services, and space are diminished hence leading to violation of the right to life with dignity stated in *Sunil Batra v. Delhi Administration* (1978).

The overcrowding that has continued to prevail proves that constitutional rights are usually infringed by administrative convenience. Another insight that Sen (2021) gives is that over the years the judiciary has developed a vast amount of human-rights jurisprudence, which, however, has only come to life aspirational due to lack of effective enforcement mechanisms. Prison budgets are still insufficient, staffing minimal, and infrastructure is obsolete despite the periodic directives being issued to them, which indicates the small political priority given to the prison reform.

4.2 Custodial Violence and the Culture of Impunity

Custodial violence is the ideal personification of the lack of connection between constitutional morality and institutional practice. Khurana and Jain (2018) emphasize that physical assault, psychological intimidation, and refusal of medical assistance remain some of the tools of discipline and interrogation. It is not only that the international standards such as the Nelson Mandela Rules are not adhered to, but also that the practices are against Article 21 (United Nations, 2015). Courts of law pronouncements- *Sheela Barse v. State of Maharashtra* (1983) to *Re: Death of Prisoners in Andhra Pradesh* (2018)- have decried custodial abuse, but impunity is hard to come by.

Institutional inertia and lack of external control are manifested by the continuation of violence. Although the NHRC registers the cases of custodial deaths on a regular basis, its suggestions are not binding, but advisory (Ministry of Home Affairs, 2022). Such a weakness in the structure perpetuates a culture of impunity, in which administrators of abuse are rarely punished by law. The constitutional guarantee of liberty against inhuman and degrading treatment therefore is mostly hypothetical.

4.3 Gendered Vulnerabilities and Health Inequities

One of the fundamental themes that have appeared in the literature is the invisibility of the women prisoners and the needs gender-based in the Indian prison system. Sheela Barse has been credited with gendered cries of vulnerability in the judiciary, but as later reports, women in prison still experience the

inability to access medical services, privacy, and face harassment (Amnesty International, 2022). The Model Prison Manual 2016 offers information on separate accommodation, female employees, and maternal healthcare (Government of India, 2016), yet it is not applied evenly, which only leads to inequality.

The health and hygiene problems are not gender-specific. Prabhakar and Mehra (2020) show that crowded and unhygienic conditions are conducive to such infectious diseases like tuberculosis and HIV. The lack of access to doctors, mental-health counselors, and medicines are against the legal obligation of the state to keep life. Mental health especially is a marginalization considering that it is a part of judicial directives (Sunil Batra II, 1980). The lack of systematic healthcare programs highlights the reduction of constitutional rights in action by economic and administrative factors.

4.4 Undertrial Prisoners and the Right to Speedy Justice

The Hussainara Khatoon (1979) series of cases disclosed that procedural delays and pre-trial detention in excess of what is necessary turns justice into punishment. Undertrials in India still make up close to 77 percent of the prison population even decades after (NCRB, 2023). This appalling number is a demonstration of systemic failure to make the right to a immediate trial operational, which the Court found inherent to Article 21.

The government has implemented new measures including undertrial review committees and video-conferencing of remand hearings as suggested in *In Re: Inhuman Conditions in 1382 Prisons* (2016). Nevertheless, as Sen (2021) explains, the efficiency of such mechanisms is not similar across states. The lack of proper legal-aid services and synchronization between the courts and prisons perpetuates the process of continual detention and hazards the commitments of the constitution and international statutes.

4.5 Reformation, Rehabilitation, and Reintegration

Contemporary penology has become aware of rehabilitation as being core in justice. However, as it has been pointed out by Raghavan (2019) and the Commonwealth Human Rights Initiative (CHRI, 2020), Indian prisons, mostly, are not rehabilitative facilities; they are warehouses. Vocational training, education programs, and post-release programs are infrequent and ill-financed. The case rulings of the Supreme Court in *Ramamurthy v. R.D. Upadhyay v. State of Karnataka* (1997). *Sate of A.P* (2006) emphasized on reformation and reintegration, but little is done.

The Model Prison Manual 2016 outlines the progressive policies, such as open prisons, community service, and parole reforms, but the lack of a single national policy limits them to the scope (Government of India, 2016). According to the statement taken by the Prison Reform Program (2021), the true rehabilitation is achieved through the cooperation between the state agencies, non-governmental governments, and local communities. In the absence of such integration, the constitutional responsibility of the state to achieve dignified reformation is not attained.

4.6 Role of Judiciary and Civil Society

Judicial activism has definitely promoted the rights discourse of prisoners. The case of Sunil Batra, Hussainara Khatoon, and *In Re: Inhuman Conditions* are some of the landmark belongings where the Court plays a role as a protector of human dignity. However, as Amnesty International (2022) adds, court

decisions are usually just symbolic until they are translated into the administrative practice. It is the absence of some monitoring mechanisms and bureaucratic resistance with no inter-agency coordination, which dilutes the judicial directives.

This has been bridged by civil-society bodies such as CHRI and Amnesty International, who audit, create awareness and promote policy-change. The moral crisis in prisons was highlighted in the press because of media investigations, especially The Hindu (2020). But still the attitudes of the society are punitive and political will to reform low. According to Sen (2021), until incarceration is perceived in terms of human-development as opposed to social punishment, constitutional ideals will not be achieved.

4.7 Toward a Human-Rights-Based Reform

Evidence taken on board shows that disenfranchisement of human-rights in prisons lies not in a legislative inadequacy but in governance. The constitutional system, judicial precedents and international norms offer a strong normative foundation. These standards are however compromised by fragmented administration, poor resources and absence of training. Accountability must be institutionalized in order to achieve sustainable reform: the creation of independent inspection boards, effective grievance systems, and the compulsory reporting of custodial deaths.

It would provide minimum living standards, access to healthcare, and humane discipline with the alignment of the policy with the Nelson Mandela Rules (United Nations, 2015). The congestion at the under-trial stage would also be reduced by integrating modern technology in case management and legal assistance. Finally, the reform should be comprehensive: both legal, social, and psychological, to turn prisons into the actual correctional facilities.

5. Conclusion

The paper will show a deep-rooted inconsistency between the constitutional principles of India and the ugly reality in its prisons. Although there is a solid legal and judicial system to preserve the pride and rights of all citizens, with the inmates, there is still a lack of proper practical measures to ensure that these standards are implemented. Article 14, 19 and 21 of the constitution under the equal liberty and rights to life have been reaffirmed severally through historic rulings like the case of *Sunil Batra v. Hussainara Khatoon v Delhi Administration*. *Sheela Barse v. State of Bihar*. Maharashtra state which humanized the prison philosophy in a collective way. Nevertheless, the sustained overcrowding, custodial violence, gender-based neglect, inadequate healthcare, and under trial detention still signifies the lack of effectiveness of administrative systems and political intentions. Although new programs such as the Model Prison Manual 2016 and the conclusions of the National Human Rights Commission are a step in the correct direction, their piecemeal and patchy implementation undermines their effectiveness. The disjunction between the constitutional promise and the prison reality is therefore not due to the absence of normative clarity but rather, institutional indifference, absence of control, and a punitive social attitude. To fill this gap, paradigm shift is needed; namely, punishment cannot be substituted by rehabilitation which should be supported with accountability, transparency, and human dignity. To achieve realizing constitutional justice prisons must transform into a place of reform and reintegration instead of degradation and hopelessness. The Indian people can only see to it that its prisons bear the spirit of the Constitution

and not its failure by implementing a comprehensive policy, continuous judicial vigilance and empathy in the society.

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