



INDIAN JOURNAL OF LEGAL AFFAIRS AND RESEARCH

VOLUME 3 ISSUE 1

Peer-reviewed, open-access, refereed journal

IJLAR

+91 70421 48991
editor@ijlar.com
www.ijlar.com

DISCLAIMER

The views and opinions expressed in the articles published in the Indian Journal of Legal Affairs and Research are those of the respective authors and do not necessarily reflect the official policy or position of the IJLAR, its editorial board, or its affiliated institutions. The IJLAR assumes no responsibility for any errors or omissions in the content of the journal. The information provided in this journal is for general informational purposes only and should not be construed as legal advice. Readers are encouraged to seek professional legal counsel for specific legal issues. The IJLAR and its affiliates shall not be liable for any loss or damage arising from the use of the information contained in this journal.

Introduction

Welcome to the Indian Journal of Legal Affairs and Research (IJLAR), a distinguished platform dedicated to the dissemination of comprehensive legal scholarship and academic research. Our mission is to foster an environment where legal professionals, academics, and students can collaborate and contribute to the evolving discourse in the field of law. We strive to publish high-quality, peer-reviewed articles that provide insightful analysis, innovative perspectives, and practical solutions to contemporary legal challenges. The IJAR is committed to advancing legal knowledge and practice by bridging the gap between theory and practice.

Preface

The Indian Journal of Legal Affairs and Research is a testament to our unwavering commitment to excellence in legal scholarship. This volume presents a curated selection of articles that reflect the diverse and dynamic nature of legal studies today. Our contributors, ranging from esteemed legal scholars to emerging academics, bring forward a rich tapestry of insights that address critical legal issues and offer novel contributions to the field. We are grateful to our editorial board, reviewers, and authors for their dedication and hard work, which have made this publication possible. It is our hope that this journal will serve as a valuable resource for researchers, practitioners, and policymakers, and will inspire further inquiry and debate within the legal community.

Description

The Indian Journal of Legal Affairs and Research is an academic journal that publishes peer-reviewed articles on a wide range of legal topics. Each issue is designed to provide a platform for legal scholars, practitioners, and students to share their research findings, theoretical explorations, and practical insights. Our journal covers various branches of law, including but not limited to constitutional law, international law, criminal law, commercial law, human rights, and environmental law. We are dedicated to ensuring that the articles published in our journal adhere to the highest standards of academic rigor and contribute meaningfully to the understanding and development of legal theories and practices.

PRISON REFORMS AND THE RIGHT TO DIGNITY: A CRITICAL LEGAL ANALYSIS

AUTHORED BY - CHANCHAL

Assistant Professor

Dr. B.R. Ambedkar Law College, Kurukshetra

ABSTRACT

Prisoners' Rights are a point of intersection between punishment and humanity. By being imprisoned, a prisoner loses their freedom; but it does not mean they lose their basic Rights or their Right to be treated as a human being. This paper will examine the Conditions of the Prisons in India, specifically looking at the extent to which the promise of dignity as set forth in the Indian Constitution is fulfilled in the Prisons in India. To help with this investigation, this paper will use the principles of the Indian Constitution, as well as references to International Instruments such as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, both of which state that Dignity continues to exist even if a person has been detained. On paper, the Legal Framework looks reassuring. The State is obligated to create and maintain Humanitarian Living Conditions within all Custodial Institutions, as well as equitable treatment for all Individuals within such Institutions.

Prison life today is much different than what many people think it should be. Prisoners are often subjected to severe overcrowding, poor healthcare, and ongoing instances abuse. This paper highlights the pivotal judicial efforts to affirmatively recognize and advance the rights of prisoners, and at the same time discusses various options available to rehabilitate, rather than solely punish, prisoners. In order to achieve a just, humane, and rehabilitative justice system, it is necessary to improve the infrastructure of our justice system, have zero tolerance for any type of abuse in custody, provide legal aid services to victims of abuse, and provide continued education and vocational training for prisoners.

Keywords: Prison reforms, Right to dignity, Human Rights of prisoners, Custodial conditions, Criminal Justice System

1. Introduction

The evolution of the way that people view punishment over time began with the underlying principle of the retributive justice system, which is a system of punishment that is based upon the idea that crime deserves to be punished through suffering. This concept has gone through many changes due to both the evolution of society's views regarding prisoners and the resounding resistance by society to change the way that punishment is applied to criminals. In the past, the primary focus of criminal justice systems was on punishing criminals for their wrongdoing; however, the development of human dignity, rehabilitation and reintegration into society have become more important than retribution; this leaves the need for order and discipline provided by prisons. Although the law has permitted the use of confinement as a method of punishment, when confinement results in inhumane conditions, the unchecked authority of the prison staff or a failure to provide for the basic needs of individuals in prison it undermines the core values that the criminal justice system claims to protect.

A growing belief among countries around the world indicates that no matter how serious the offences prisoner is convicted of, but continuing to be a prisoner, the prisoner does not lose their status as a Human being and cannot have their human rights removed once convicted. This idea has been codified into a series of International Human Rights Treaties and Conventions including the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights that state prisoners and those in custody are entitled to the same protection from being subjected to cruel and degrading treatment. The Nelson Mandela Rules identify the minimum acceptable levels of treatment and living conditions in prisons with dignity, health care, and opportunities for rehabilitation as priorities for correctional systems. The content of these standards is now beginning to influence domestic legal systems establishing new standards for how prisoners will be treated.

The courts have largely determined the relationship between imprisonment and the constitutional

rights of individuals incarcerated in India. The Supreme Court of India has consistently rejected the notion that the imprisonment of an individual negates their constitutional rights. While Articles 14, 19, and 21 do impose limitations regarding how their individual rights may be exercised, those articles continue to apply to all individuals who have been incarcerated. In particular, Article 21 has been defined in a broader manner; the definition now includes the Right to be free from Cruel and Unusual Punishment, as well as the definition of Life that includes dignity and not just mere existence. By judicially reviewing the actions of law enforcement agencies regarding custodial abuse, excessive pretrial detention, and solitary confinement, the Court has reaffirmed that the imposition of punishment cannot devolve into a random or capricious manner. The continued promise of constitutional governance becomes meaningless if justice is not available to those in prison.

The reality of life in many Indian jails contradicts the more liberal theoretical policies of Indian jails. Indian jails generally lack adequate space, personnel, and treatment programs to rehabilitate inmates, and further highlight the lack of proper and equal access to prison resources based on the demographic backgrounds of inmates. For example, under-trial inmates can expectancy to sit in jail for years without a court hearing to garner their release, women may find themselves housed in facilities that do not take into account the needs of women, juveniles may be housed with adults, and socio-economically deficient groups may find themselves subjected to the most severe aspects of prison culture.

When viewed through the lens of dignity, incarceration's Purpose will ultimately be altered. Prison must engage with Correction, Care, and the possibility for reintegration into Society. This mode of thought can help bridge Indian Constitutionally based Value Systems with the International Human Rights Standards; however, the Road to Implementation is still long and bumpy! Nonetheless, the Criminal Justice System that treats prisoners with Dignity in Prisons holds more Moral Authority and reflects upon the true Nature of the Values they Claim to Uphold.

1.1 Prison Reforms and Right to Dignity

Prison reform is generally referred to by most individuals as a series of intentional initiatives intended to achieve the goal of operating prisons with greater respect for human dignity and

constitutional standards. Prison reform is much more than the process of building or managing prisons. The concept of prison reform embodies the recognition that prisons cannot merely be defined as punitive institutions. Prison sentences represent an individual's loss of freedom; however, they must also take into account the need for fairness, decency, and the possibility for individuals' ability to change. Therefore, prison reform envisions incarceration as a process of including an individual back into society and not simply disconnecting them from society. The core aim of these reforms is to make sure that losing freedom does not automatically mean losing fundamental rights, except where the law clearly allows it. Prisoners remain entitled to life, Right to health, right to equality; right to dignity. However, on a daily basis, those rights are demonstrated as tenuous at best through examples of overcrowded jails, brutality by staff, inadequate sanitary conditions, and the lack of access to legal counsel. Reform strategies seek to remedy these shortcomings by enhancing the availability of health care, nutritional, daily living and legal resources as well as addressing the issues of abuse and neglect. There has also been an increased emphasis placed on educational opportunity, job training, and mental health support. The reason for this increased emphasis on these types of services are not because these services will necessarily lead to significant reform; rather, the lack of educational, vocational, and psychological resources will leave little or no opportunity for rehabilitation. As a result, prisons are striving to create a difficult balance between protecting the public, upholding justice and recognizing that incarcerated individuals are, in essence, still people and retain human dignity.¹

1.2 Evolution of the concept of dignity in constitutional law

The notion of human dignity has been evolving in Indian constitutional law and was not introduced all at once through the courts, but rather emerged over a period of time as Indian courts interpreted Article 21 in a broad manner and included the provision for life and personal liberty. The Indian Constitution does not specify what the term "dignity" is, which may be one reason why courts have had to deal with this concept on a case-by-case basis. As time went on, people began to interpret the right to life under Article 21 as being something more than just the right to exist, but as now interpretable as the right of individuals to have self-respect, humane housing, and a minimum level of quality in their daily lives.

¹ **Upendra Baxi**, *The Right to Dignity and Prison Reforms in India*, 34 **J. INDIAN L. INST.** 1, 5–12 (1992).

Courts began to view prisoners' rights as being fundamental rights, subject only to the necessity of restricting those rights for legitimate reasons. The concept of dignity has become a way for judges to evaluate the conditions under which inmates live, the reasons for punishment, and how far the state can go in treating its residents/inhabitants in degrading ways.

The arguments presented here were based on ideas developed by many other countries, and as such, were based upon international human rights standards that forbid torture and cruel inhuman treatment. This influenced judges to interpret the Constitution of India. Punishment will continue to be part of the concept of prison reform, but the concept of Prison Reform has evolved to include the notion that a minimum level of respect must be given for the inherent worth of each human being, even when incarcerated.

1.3 International Human Rights Standards on Prisoner Dignity

The international human rights law has consistently stated that those who have been deprived of their liberty retain their dignity as people. While one can restrict the movement through lawful detention, it does not negate their rights. The principle that everyone is born free and has equal dignity is stated by the **Universal Declaration of Human Rights** without exception for people who are incarcerated. This same principle guides other binding documents that are enforced.

By taking an in-depth analysis of human rights, the International Covenant on Civil and Political Rights closely related the critical importance of treating all detainees humanely and with dignity and respect. Furthermore, according to the International Covenant on Civil and Political Rights, treating detainees humanely and with dignity and respect is a legal obligation that states have rather than merely a suggestion of morality. The United Nations Rules for the Treatment of Prisoners; otherwise known as the Nelson Mandela Rules, demonstrates how to put these standards of legality into the day-to-day operation of places of detention. The UN Rules focus on ensuring that prisoners are housed in humane living environments; that they receive timely, adequate medical care; and that they are not subjected to acts of torture or treatment that humiliates them. More importantly, the Nelson Mandela Rules require separating prisoners who are at greater risk of victimization due to their vulnerability and consider rehabilitation for these prisoners.

These standards together suggest there is no basis for arguing that inhumane conditions in prisons are required as punishment. The penalty must be the loss of freedom. Any additional penalty, particularly penalties of humiliating or unnecessary suffering violate internationally accepted standards. Every country implements these guidelines to varying degrees, but they all have the same underlying principle that punishment must not serve as an excuse to take away a person's dignity.

2. Legal Framework and Judicial Approach to Prison Reforms in India

The backbone of Prisoner's Rights in Indian Constitution is Article 21 of the Constitution. Although Article 21 of the Constitution refers to Life and Personal Liberty, the Indian Judiciary has given it a more serious interpretation. Thus, the Indian Judiciary has found that just because someone has been imprisoned, their ability to move freely has been limited; this does not mean that this individual is no longer entitled to the protections of the Indian Constitution. The concept of Human Dignity is vital to Understanding The Right To Life, and, therefore, has the Limitation of Prison Administration to the provisions stated in the Constitution. The Indian Judiciary's linkage between The Right To Life And The Dignity Of Life checks the arbitrary, inhuman treatment of Prisoners By Prison Administrators.

2.1 Applicability of Article 21 to Prisoners:

Article 21 is of great significance to prisoners because it has been made more apparent how Courts view the application of Article 21 to prisoners. The Courts have reaffirmed that prisoners are entitled to have their constitutional rights protected while imprisoned. In 1978, the Supreme Court of India upheld this view in **Sunil Batra v. Delhi Administration 1978 AIR 1675**,² establishing that a sentence of imprisonment in and of itself does not extinguish all of the constitutional rights of the person sentenced. The only rights that can be suspended by virtue of being incarcerated are those that are necessarily restricted due to the fact that the individual has been sentenced to a term of imprisonment; all other rights remain intact. This perspective has led to a new understanding of prisoners as being more than just the subjects of disciplinary authority of the State, but rather as individuals who do continue to enjoy the constitutional rights to protection afforded to them, while

² **Sunil Batra v. Delhi Admin., A.I.R. 1978 S.C. 1675 (India)**

at the same time completing a term of imprisonment.

Right to Human Dignity: Article 21 has long been read as something richer than bare survival. It speaks of dignity, self-respect, and basic human decency, values that do not suddenly disappear at the prison gate. In **Francis Coralie Mullin v. Administrator, Union Territory of Delhi AIR 1981 SC 746³**, the Court held that right to life means dignity, self-respect, and the conditions that make life human. It means prisoners, despite lawful confinement, are still entitled to humane treatment and conditions that do not crush their sense of self.

Protection Against Torture and Custodial Violence: The idea of protecting people from torture and abuse while in police custody is entirely opposite to the intention of protecting people's rights under the Constitution. When the Supreme Court decided **D.K. Basu vs. State of West Bengal (1997) 1 SCC 416⁴**, it determined that torture and custodial deaths violate individual rights to life and dignity. As such, the Court put in place a number of detailed guidelines designed to prevent police and prison officials from abusing their authority. It is also noted that custodial institutions must operate within the bounds of the Constitution. In **People's Union for Civil Liberties v. State of Maharashtra (2014) 10 SCC 635⁵**, the Supreme Court discussed the same concern with the need for accountability through independent investigations and proper magisterial inquiries into deaths that occur during police encounters as well as custodial deaths.

Humane Living Conditions: Life inside prison is still life under the Constitution, and that carries some very basic expectations. Space, fresh air, usable toilets, clean drinking water, and food. They are part of the right to live with a minimum sense of dignity. In **Shri Rama murthy v. State of Karnataka (1997) 3 SCC 642⁶**, the Court highlighted the realities of overcrowded barracks, broken infrastructure, and unhygienic conditions as serious violations of prisoners' rights. The judgment stressed the need for prison reforms to ensure dignified living conditions consistent with constitutional values.

³ **Francis Coralie Mullin v. Adm'r, Union Territory of Delhi, A.I.R. 1981 S.C. 746 (India)**

⁴ **D.K. Basu v. State of W.B., (1997) 1 S.C.C. 416 (India).**

⁵ **People's Union for Civil Liberties v. State of Maharashtra, (2014) 10 S.C.C. 635 (India).**

⁶ **Shri Rama Murthy v. State of Karnataka, (1997) 3 S.C.C. 642 (India).**

Right to Medical Care: Under Article 21, the State is responsible for providing medical care without delay (including Mental health care) because Health is essential to Life and Dignity. The Supreme Court of India in the case of **Parmanand Katara v. Union of India 1989 AIR 2039**⁷ held that the preservation of Life is more important than following any procedures to delay or deny Medical Treatment. With respect to prisons, timely medical treatment, access to medical practitioners and Medical Treatment for Mental Health must be provided; failing to do so can constitute as a violation of Article 21 in a Subtle manner.

Limitations on Arbitrary Disciplinary Measures: Judicial authorities have approached the question of how disciplinary action is distributed within prisons with a great deal of scepticism. For example, the practice of routinely applying handcuffs and prolonged periods of isolation has created skepticism regarding whether they are constitutionally sound. For instance, in **Prem Shankar Shukla v. Delhi Administration AIR, 1980 SC 1535**⁸ the Supreme Court ruled that handcuffing is, by its very nature, degrading unless under "exceptional circumstances". More recently, the Supreme Court also held, in **Sunil Batra v. Delhi Administration 1978 AIR 1675**⁹, that if solitary confinement is not being enforced for legitimate purposes, or without sound safeguards, it constitutes a violation of a person's constitutional rights.

Procedural Fairness -The right to a just process is fundamental to personal freedom under Article 21, and includes the rights to legal aid and access to the Courts. The case **Maneka Gandhi v. Union of India AIR 1978 SC 597**¹⁰ established that it was unconstitutional for any Limitations to freedom to be unjust, unfair or unreasonable. This criterion applies not only at the point of admission into prison but also after incarceration. The presence of a means to access the Courts, legal aid, and protection from arbitrary prison regulations is what ultimately keeps punishment from exceeding constitutional parameters.

Right to Speedy Trial: The The fundamental concept of a right to a speedy trial has from 1979

⁷ **Parmanand Katara v. Union of India, A.I.R. 1989 S.C. 2039 (India).**

⁸ **Prem Shankar Shukla v. Delhi Admin., A.I.R. 1980 S.C. 1535 (India).**

⁹ **Sunil Batra v. Delhi Admin., A.I.R. 1978 S.C. 1675 (India).**

¹⁰ **Maneka Gandhi v. Union of India, A.I.R. 1978 S.C. 597 (India).**

been seen as an integral part of an individual's right to personal freedom; this has special relevance to undertrial prisoners who have not been convicted of a crime. In **Hussainara Khatoon v. State of Bihar (1979)**¹¹ the Supreme Court of India held that the fundamental right to a speedy trial is enshrined in Article 21 of the Constitution and found it unacceptable that some people remain detained for years simply because their case had not yet come to trial. In **Re: Inhumane Conditions of Prisons (2016–17)** the Supreme Court found once again, on its own motion, that delays in the criminal justice process are directly linked to the inhumane conditions of jails and prison, issued directions for the use of liberalized bail, video conferencing, and the establishment of under trial review committees to break the cycle of endless detention.

State's Duty of Care: The State carries a clear duty of care towards those it holds in custody. When a person is behind bars, the State effectively takes control over their life and safety.. In **Nilabati Behera v. State of Orissa AIR 1993 SC 1960**¹² the Court held the State responsible for a custodial death and recognised compensation as a remedy for violation of Article 21. The judgment quietly but firmly established that custody does not dilute accountability.

2.2 Prisons Act, 1894 and the Model Prison Manual

In India today, prison administration is largely governed by the Prisons Act of 1894, which reflects the colonial-era influence on India's legal system. In drafting this legislation, control and discipline were of utmost importance to the British authorities. The Act primarily serves to maintain order in prisons, define the responsibilities of prison employees, classify prisoners based on their criminal activity, and enforce strict disciplinary procedures in order to maintain order in the facility. The Act does not contain much with regards to allowing inmates to exercise their rights and privileges. The Act is inconsistent with India's current constitutional principles, especially with regard to the evolving interpretation of human dignity as outlined in the original Constitution of India, Article 21.

To address some of the challenges that the 1894 Act presented, the Model Prison Manual was

¹¹ **Hussainara Khatoon v. State of Bihar, A.I.R. 1979 S.C. 1369 (India).**

¹² **Nilabati Behera v. State of Orissa, A.I.R. 1993 S.C. 1960 (India).**

formulated with the goal of being more reform-oriented in guiding the states. The Model Prison Manual places emphasis on humane treatment of individuals and rehabilitation, as opposed to merely treating prisoners as "inmates" who require management. The Model's guidelines include more detailed information about the services provided to prisoners (health care and mental health, education, vocational training, legal assistance, grievance redressal). Model Prison Manual is consistent with the principles of equality and fairness articulated in the Constitution.¹³

Prisons Act was authored long before constitutional and international human rights standards existed and the Model Prison Manual indicates that the prison system of India is developing along constitutional and international human rights principles, which means that while both documents coexist, they are not completely compatible with each other. Therefore, the transition of prison law in India indicates that there is a slow evolution toward a model of rehabilitation and dignity as opposed to just custody. Because of this, it would be important for legislative reform to take place rather than relying on the use of manuals or administrative guidance to fill the gap in prison law reform.

2.3 Role of Constitutional Directives and Statutory Safeguards

Article 14 guarantees that every person has equal protection so prisons cannot discriminate against a prisoner when enforcing rules or punishments. Article 21 has a broader scope than Article 14. Judicial interpretation of Article 21 provides for a prisoner's right to have dignity while living in prison; this means that prisoners must be housed in an appropriate manner that includes providing prisoners with adequate shelter, adequate medical care and protection from torture and inhumane treatment. Additionally, Article 19 rights do not cease to exist in prison; they are subject to the same level of restriction as other rights. However, courts have ruled that these rights only exist insofar as they do not interfere with the order or safety of the prison community. In addition to the protections provided by the Constitution, there are statutes that protect and inform incarcerated individuals about their rights. For example, there are specific laws that outline how someone can be arrested, when to bring the arrested individual before a magistrate and what information must be told to the arrested individual at the time they are taken into custody. In regard to prisons, there

¹³ S. Muralidhar, *Prisons Act, 1894: Time for Repeal or Reform*, 31 STATUTE L. REV. 45, 50–58 (2010).

are laws and manuals written to regulate all aspects of the daily lives of imprisoned people, from the classification of prisoners to the maintenance of order within prisons to the provision of healthcare services to prisoners, to the establishment of systems for addressing grievances of prisoners.

These frameworks assert that while an individual has limited freedoms, they maintain their inherent right to their dignity.

2.4 The Mental Healthcare Act, 2017

The Mental Healthcare Act, 2017 strengthens the idea that **incarceration does not suspend dignity**. By recognizing mental healthcare as a legal right and explicitly extending protections to prisoners, the Act complements constitutional jurisprudence under Article 21. It also highlights the urgent need for prison reforms focusing on trained mental health professionals, regular screening, referral mechanisms, and humane treatment of mentally ill inmates.

3. Prison Conditions and Violation of Human Dignity

3.1 Overcrowding and Infrastructure Deficiencies

Indian prisons are known for being over crowded which leads to questionable dignity with criminals in jail. Most inmates are actually under trials waiting for their trial before being convicted. Placing numerous inmates into spaces that were only designed to host a couple of inmates per room causes issues associated with lack of privacy, increased levels of boredom and agitation level. The causes of the jail overcrowding in India has many angles that complicate the solution. Most jails are still located in old dilapidated buildings with poor ventilation and little natural light, because of this, it is difficult for inmates to maintain good hygiene due to a lack of basic amenities, such as drinking water and adequate bedding. Additionally, there is routine use of mixed classification systems when classifying prisoners. Pretrial detainees are usually housed with convicted felons, and newly admitted prisoners are housed with habitual offenders, all of which prevent any hope of correcting or reforming inmates in prison. Therefore the current conditions of prisons do not comply with Article 21, which states inmates should be afforded the right to live with dignity. There is compelling evidence to indicate the extent of this crisis within India. For

example, reports from the India Justice Report 2025 indicate that the average occupancy rate of prisons in India is 131%. More than half of Indian jails operate beyond their sanctioned capacity, and some, such as Tihar, reportedly run at nearly 400 percent occupancy. Much of this pressure comes from an ever-growing undertrial population, suggesting that overcrowding is not just an administrative failure but a deeper problem rooted in delays and inefficiencies within the criminal justice system.

3.2 Health Care, Sanitation, and Nutrition in Prisons

Despite the fact that many people believe that all individuals should have access to health care as a basic right, often it appears that correctional institutions do not have sufficient trained medical personnel available for their inmates. In fact, many correctional facilities do not have the proper staffing levels of doctors, nurse practitioners, and mental health care providers necessary to provide adequate care for inmates who require this type of medical attention. Additionally, inmates who suffer from chronic medical conditions, physical disabilities or any infectious disease will be greatly affected by the lack of attention and may experience severe illnesses and possibly die as a result. The state of sanitation and food for the inmates paints a portrait of similar problems. Crowded toilets, sporadic water supplies, and poor waste disposal are everyday factors that make daily living conditions unhealthy and uncomfortable for inmates. Because the State controls the food, medical care, and conditions for inmates, the constitutional implications of these failures are apparent. Inadequately providing for prison healthcare, sanitation, and nutrition equates to a failure of the State to maintain the dignity of persons in its custody.

3.3 Mental Health Issues and Solitary Confinement

Incarceration, by nature, produces some amount of anxiety, depression and trauma in people incarcerated. Mental Health service levels are not proportionate to the amount of psychological distress that individuals who are incarcerated experience. Ultimately, the longer you spend incarcerated without knowing when you will be released, without contacts with your family and with constant exposure to violence causes negative effects. One of two possible outcomes of all this psychological distress and lack of mental health services may be self harm or suicide; or, a longer term issue is that many have difficulty coping and functioning in society after they are released with all of this stress built up over their time incarcerated.

Solitary confinement is a form of punishment that causes numerous new problems for society because individuals in solitary confinement are often alone for many months at a time. There are many cases where individuals in long-term solitary confinement have had severe hallucinations or breakdowns due to the extreme isolation and lack of social interaction. Long-term solitary confinement is cruel as it is a form of punishment that denies individuals their right to be treated with dignity.¹⁴

3.4 Torture, Custodial Deaths, and Abuse of Authority

Physical assault, verbal abuse, and forced interrogation all demonstrate the potential for abuse of authority that exists when prison administrators are not accountable for their actions, creating an environment that makes it easier, and often standard practice, to justify abusive behaviour.

Custodial deaths represent the highest level of failure in the system. What makes custodial deaths worse than other types of homicide is the way custodial deaths are investigated and treated in the system. The frequency with which custodial violence is perpetrated indicates a pattern of systemic failure, rather than just isolated incidents. Thus, the question must be raised as to how prison facilities can protect the dignity of prisoners if they continue to be perpetrators of custodial violence.¹⁵

3.5 Impact of Prolonged Detention on Dignity

The concept of dignity is diminished with every day an undertrial prisoner remains in custody. While the prisoner is waiting, life continues, jobs disappear, families have difficulty managing without the prisoner support, and the stigma of incarceration settles on the prisoner long before the case is adjudicated. The psychological strain of waiting without knowing when it will end may be as damaging to a prisoner as the physical restraint of incarceration.

If we take away a person's freedom for an extended period of time without ever determining whether they committed an offence, we take due process away from them and we place them in a

¹⁴ Nigel Rodley, *THE TREATMENT OF PRISONERS UNDER INTERNATIONAL LAW* 215–27 (3d ed. Oxford Univ. Press 2009).

¹⁵ V.R. KRISHNA IYER, *HUMAN RIGHTS AND INHUMAN WRONGS* 87–102 (B.R. Publ'g Corp. 1985).

position where they've been punished for something they did not do. Prolonged periods of unlawful detention erode the public's confidence in the justice system and create significant questions regarding the quality of fairness.

4. Comparative and International Perspectives

4.1 UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules)

The global standards for how prisons operate, as well as how prisoners should be treated while incarcerated, are encapsulated in the Nelson Mandela Rules. The basic premise of the Rules is straightforward: whilst someone has lost their freedom, they should not simultaneously lose their dignity. Under the Nelson Mandela Rule, there are specific standards regarding acceptable conditions of daily living within the prison system (i.e., living conditions, hygiene, nutrition, medical attention, disciplinary policies, communication means), which collectively describe a means of incarceration that is humane rather than inhumane. An important element of the Nelson Mandela rules is the concept of equivalency of health care (also called equal access to community based health care), wherein prisoners are entitled to the same level of health care as anyone else living in the community.

Solitary confinement must be treated cautiously and only occur as an exception for a short duration. In addition, the Rules pay particular attention to those prisoners who may be deemed especially vulnerable, including women, children, persons with disabilities, and persons with mental illnesses. While not necessarily legally enforceable, the Mandela Rules remain a significant influence on the courts and policymakers.¹⁶

4.2 International Covenant on Civil and Political Rights (ICCPR)

The ICCPR provides little ambiguity regarding the rights of people that are incarcerated and consequently how they should be treated. The countries that are signatories to this agreement have an obligation to treat every person in their custody with respect and to their dignity. The ICCPR articulates what the reasons for imprisonment should be; imprisonment must include rehabilitating

¹⁶ **United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)**, G.A. Res. 70/175, U.N. Doc. A/RES/70/175 (Dec. 17, 2015).

and preparing individuals for re-entry into society, even if many of these systems struggle to meet this expectation. Lastly, while the ICCPR provides various protections to all individuals imprisoned in the same facility, it also emphasizes the necessity of effectively protecting certain groups (ie. Women and Children) within a certain facility.

The ICCPR outlines that all under trial detainees should have the right to be treated like an innocent person until proven guilty, and the ICCPR mandates that under trial detainees must be held in a separate facility from convicted prisoners for this reason. With respect to Article 21 of the Indian Constitution, Indian case law continues to gradually become aligned with the ICCPR's provisions with respect to under trial prisoners.¹⁷

4.3 Comparative Prison Reform Models

The UK has a rights-based concept of prison administration. There is a system of inspectorates and ombudsmen who investigate prisons and investigate complaints that may go otherwise unreported through the regular process. The inspectorates are also concerned with issues such as mental health services and the process of fairness, as well as access to schooling and vocational training. Therefore while it may not provide absolute protection from arbitrary power, the presence of independent observers helps to curb the amount of unsupported power available in prisons and increases the degree of accountability of prison systems.

Norway's approach appears to be a very extreme approach and to an extent counterintuitive. Rather than focusing on punishing jailed convicts, the system is focused on the idea of normalising the prisoner's environment. Prison is purposely designed to replicate as much as possible the free-world outside (i.e. open areas, living quarters, daily interactions that are respectful rather than fear based, etc.). Moreover, education and developing skills has been incorporated as part of the daily routine of the jailed convict and is not considered a privilege or a reward.

In contrast to the other states described here, the U.S. has received widespread criticism about its approach to mass incarceration and the overly punitive nature of its corrections systems. Although

¹⁷ **International Covenant on Civil and Political Rights**, Dec. 16, 1966, **999 U.N.T.S. 171**.

there is some validity to many of these criticisms, this does not mean that there are no avenues for change. Indeed, several U.S. jurisdictions have begun exploring community-based alternatives to incarceration, mental health diversion programs, and small restorative justice initiatives as a way of rethinking our relationship with crime.

5. Solutions and Recommendations:-

5.1 Legislative Modernization of Prison Laws

The Prisons Act was originally established in 1894 and reflects the outdated views of a colonial era that are no longer in line with contemporary constitutional thought regarding dignity and human rights as set forth in the Constitution. To avoid outdated thinking while reforming this body of legislation as a result of such transformation, it can be observed that the body of this legislation needs to reflect a view that incorporates human rights, and therefore rehabilitates rather than simply controlling individuals. Creating a 'Model Prison Manual for all states to adopt' will also allow for consistency and accountability among various state prison systems.

5.2 Reducing Overcrowding and Undertrial Detention

The problem of overcrowding within prisons is one of the many problems. One of the main reasons this happens has to do with undertrials. When routine inquiries into detention become the norm, then all attempts by prison management to claim that they run their facilities in a humane manner, lose their legitimacy. The first step towards creating a more just and equitable approach to jailing people, especially for non-violent or minor crimes would be for prison authorities to begin to consider alternatives to incarceration.

The scope of the term “bail” is greater than what the courts have defined it to be. Although most courts have adopted the concept of granting bail for an individual as the preferred method of appearing before the court with confinement being an exception.

In addition to bail there exists many other forms of pretrial diversion that can assist in reducing the number of prisoners by providing alternative methods for resolving minor infractions (i.e., probation, community service, diversion programs etc.). Additionally, expediting the resolution of

minor infractions via expedited judicial mechanisms (i.e., summary proceedings or special courts) would greatly reduce the length of times that individuals are incarcerated prior to their trial for those offenses. Also, many States have developed the concept of open/semi-open institutionalization that allows inmates an increased degree of freedom while they are working or engaging in social activities that meet the requirements for inmate security. As a result, these various methods of pre-trial diversion will not only lead to decreased levels of incarceration, but will also lead the judicial systems to be more just, efficient, and respectful of the rights and freedoms of individuals.

5.3 Strengthening Healthcare and Support Systems in Prisons

The most important aspect of any kind of meaningful discussion regarding prison reform must be health care. Without adequate supplies of food, water, sewage, and hygiene facilities, any discussion of dignity is somewhat hollow. An effective health reform agenda should include an examination of the overall health of inmates, to include diet, sanitation, housing conditions and available resources for psychological counselling and support, and gender-specific medical needs.

Under-trial inmates need special attention since many are being held due to their financial situation and not due to any strong evidence against them or criminal behaviour. The process to obtain bail is often expensive. If governments began working with legal aid or community services to pay for the expense of releasing an inmate from custody; this barrier to release would be addressed much more effectively. While this is not a total solution, it provides a better chance for fair treatment throughout the entire process, in addition, it is a start. The focus for those individuals incarcerated for a long period of time should also shift. There is a psychological effect associated with long-term incarceration that is often underestimated. Regular access to counsellors, social workers, and family visits can soften that impact, even if only slightly. Education and vocational training should not be treated as optional extras. They give structure to prison life and, more importantly, a sense that life after release is possible. In the end, reforms like these remind us of something quite basic. Prison may take away liberty, but it should never take away a person's humanity.

5.4 Independent Oversight, Grievance Redress, and Technology-Enabled Accountability

A serious effort to reform prisons needs to consider more than just a list of written rules; it must

also examine how prisons are actually monitored and questioned. The role of monitors is important because they can create transparency inside of a system that is otherwise hidden from the public eye. Digital recordkeeping and Electronic Registers significantly reduce the potential for hidden tampering as well as make tracking things such as medical appointments, disciplinary hearings or pre-trial status easier than ever before. The advent of telecommunication methods in courtrooms has allowed courts to reduce delay and the unnecessary transportation of inmates to court. When independent oversight, when used appropriately in conjunction with available technology; in effect, eliminates abstractness and places this in daily aspects of prison management representing a place closer to the core constitutional promises made by the justice system.

5.5 Education, Vocational Training, and Skill Development

Education within correctional facilities dramatically alters the overall atmosphere of the facility. In many cases, inmates have had little or no educational experiences prior to their entry into the criminal justice system. By allowing access to an education learning, prisons can help provide inmates with an opportunity to regain the sense of self-worth that is continually diminished as a result of being imprisoned. Skill training works along similar lines, though in a more hands-on way. Learning a trade, carpentry, tailoring, electrical work, or even basic computer skills, gives prisoners something tangible to carry back with them once they are released. Having access to meaningful work while incarcerated will provide inmates with an increased sense of accountability and structure which benefits both inmates and correctional officers. When prisons include educational and vocational training within their reform programs, they help advance the process of rehabilitation away from a solely punitive approach.¹⁸

5.6 Role of Correctional Psychology and Social Reintegration

The process of social reintegration takes place after an inmate is released from prison. A person may have finished serving their sentence, but returning to the community is never an easy process. With pre-release counseling, assistance in rebuilding family relationships, and connections with community resources that offer housing and job search assistance, a person has a chance of being

¹⁸ **Ravina Parihar & Deepashri Choudhari**, *Prisoners' Rights and Human Dignity: An International and National Perspective*

successful at re-establishing their lives. While these community-based support systems are not always successful, many provide a safety net to help ensure a successful reintegration into the community. Furthermore, when a person has received adequate psychological care while incarcerated, and has access to resources to provide that same psychological care after discharge from prison, it increases the opportunities for long-term success in overcoming previous behavior patterns and achieving stability in society. While receiving appropriate support after being discharged from prison does not guarantee success, it does improve a person's chances of becoming a contributing member of society as an adult..

5.7 Prison reforms for vulnerable groups

To implement true and effective prison reforms, you cannot treat everyone in prison as though they have the same needs. Female prisoners are subject to a number of circumstances that are typically not gender-neutral. In a correctional facility, issues regarding privacy, safety, health and access to basic hygiene are significantly magnified for women due to the fact that the facility was not designed to accommodate them. A vast majority of women in prison also have children and typically come from economically-disadvantaged backgrounds. Therefore, prison reforms for females must include gender-sensitive items such as separate female units, female staff supervision and access to appropriate healthcare, as well as protective measures against sexual exploitation. Additionally, the concerns that arise from the situation are even more pronounced for women who are pregnant or have small children. In such cases, imprisonment affects not just the woman but the child as well. Adequate prenatal and postnatal care, proper nutrition, medical monitoring, and child-friendly living arrangements are crucial if prison is not to compromise maternal health and early childhood development.

Young offenders needs are considerably different than those of adult offenders and harsh custodial environments can produce substantial and lasting negative psychological consequences that extend beyond their sentence. Detention is an absolute last resort in the juvenile system, therefore if it is unavoidable, the focus of detention should be on educating, counseling and rehabilitating. Elderly prisoners, prisoners with disabilities, and those suffering from mental illness are particularly vulnerable populations. Physical restrictions, chronic health issues, and the current lack of specialised treatment options create an extremely harsh environment for these populations.

Meeting these unique needs requires much more than reforming the prison system; it requires highly developed medical service delivery systems, improved physical accessibility, mental health support, and alternative approaches to imprisonment where appropriate. A prison system that recognises the specific vulnerabilities of these populations is a prison system that is closer to being fair and humane., and, perhaps more importantly, to a form of correction that actually works.¹⁹

Conclusion

In a constitutional democracy, prison reform and the right to dignity are generally associated with one another, although at times the system may appear to demonstrate otherwise. The act of placing an individual in prison, as a lawful response to crime, does not afford the State unlimited authority to deny basic human attributes to that individual. The provisions of the Indian Constitution, especially via the broad interpretation of Article 21, indicate this patently. Prison is not beyond the pale of the Constitution; courts over time have continued to reinforce and remind prison authorities that all inmates retain their status as individuals with rights, and that the convenience of administration does not obviate the need for constitutional compliance.

Nonetheless, the prison system is still plagued with negative experiences. The current system of incarceration must include efforts to respond positively to negative experiences and to identify root causes of negative experiences; this can only occur if prisons are managed through both competent operations, allocation of resources, and the establishment of accountability.

A prisoner-centered reform of the penal system needs patience and consistency. The enforcement of laws must be done correctly. The authorities also need to be supported with training and resources. The mechanisms for oversight and accountability must work. When prisons invest resources in health care, education and rehabilitation, the overall benefit will be outside the prison walls. Ultimately, establishing the right to dignity for prisoners, is more than just about the welfare of prisoners. It is about the very integrity of the Criminal Justice System and it is also about the type of society we choose to create and be part of.

¹⁹ **Andrew Coyle**, *A HUMAN RIGHTS APPROACH TO PRISON MANAGEMENT* 87–101 (Int'l Ctr. for Prison Studies 2009)

Bibliography:-

1. Prisons Act, 1894
2. Mental Healthcare Act, 2017
3. Constitution Of India
4. Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023
5. Model Prison Manual (2016)
6. www.scconline.com
7. K.D. Gaur, Criminal Law, Criminology and Administration of Criminal Justice

