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Human Rights Violations in Prison Custody and Role of Human Rights Commission

-AKSH

Introduction

Prisons are reformatory institutions that are there to reform the said offender while making sure their safety is not at risk. Prisoner does not lose their basic rights such as fundamental rights just because they are incarcerated as highlighted by honourable court in the case of Sunil Batra.¹ International Human rights law and the constitution of India recognise that right to live with dignity, free from any kind of torture, any cruel treatment and discrimination is a basic human right. Even with all these, human right violation is still a concern in the prison, majorly due to overcrowding, poor medical health care and inadequate sanitation.

Rights of prisoners:

The term "prisoners' rights" refers to the basic human rights that people who have been robbed of their freedom maintain even when they are behind bars. In order to preserve their dignity, guarantee equitable treatment, and aid in their rehabilitation and eventual reintegration into society, these rights are crucial. The concepts of justice, human dignity, and the rule of law serve as the foundation for the idea of prisoners' rights.²

What are the rights of Prisoners:

1. Right to Humane Treatment: Inmates are entitled to respect and dignity. This covers defence against cruel, inhuman, or degrading treatment or punishment, including torture. Inmates' basic requirements, including clothing, food, housing, and medical attention, must be provided by the authorities.³
2. Right to Legal Representation: Inmates are entitled to a fair trial and legal representation. This includes the ability to speak with an attorney, offer a defence, and contest their detention. They should have access to legal aid where necessary to ensure the lawfulness of their

¹ *Sunil Batra v Delhi Administration* (1978) 4 SCC 494.

² Archana Sharma, 'An Analytical Study of Prisoners' Rights in India: Challenges, Implementation, and Reform Perspectives' (2024) 4(2) *Indian Journal of Integrated Research in Law* 402–403.

³ Archana Sharma, 'An Analytical Study of Prisoners' Rights in India: Challenges, Implementation, and Reform Perspectives' (2024) 4(2) *Indian Journal of Integrated Research in Law* 408–409.

detention. Legal aid services should be provided to those prisoners who cannot afford legal representation.⁴

3. Right to Healthcare: Prisoners have the right to be provided with healthcare services. This includes provision of access to medical treatment, mental health assistance, and medicines where necessary.⁵

4. Right to Communication and Family Visitation: The prisoners have the right to maintain contacts with their families through communication. There should be restrictions on communications, but they should be proportional to the legitimate penological interests⁶.

5. Right to Education and Vocational Training: The prisoners have the right to access to education and training programs designed to improve their skills and prepare for reintegration into the society once released from the prison.⁷

6. Right to Protection from Violence and Exploitation: Prisoners have the right to be safe from violence and abuse from other inmates or from the prison staff. Prison authorities should guarantee the security of all people in the prison facilities.⁸

7. Right to Legal Redress and Effective Complaint Mechanism: Prisoners have the right to legal redress when it is necessary to address any grievances concerning their treatment and conditions of confinement. Effective grievances procedures must be in place by the prison authorities so that any complaints raised can be properly attended to.⁹

8. Right to Privacy: Prisoners have the right to privacy within the confines of security concerns.

Prisons are meant to reform offenders while ensuring security and justice. However, prisoners do not lose their fundamental human rights merely because they are incarcerated. International human rights law and the Indian Constitution recognize that every individual has the right to live with dignity, free from torture, cruel treatment, and discrimination. Despite these protections, human rights violations in prisons remain a significant concern due to overcrowding, custodial violence, poor healthcare, inadequate sanitation, and prolonged detention.¹⁰

Violations of human rights

No one shall be deprived of his liberty or personal liberty except in accordance with due process of law. According to this article, people cannot be made subject to retrospective punishment for an act which was not considered an offense when it was committed. In case of *Sunil Batra v. Delhi Administration*, The Honourable Supreme Court of India was concerned with the rights of prisoners. In this case, the Supreme Court of India provided a very clear answer to the question whether prisoners are persons and whether they have rights in the form of fundamental rights although there is some reduction in the extent of these rights. Here is what the Honourable Court said in this regard: "Are 'prisoners' persons? Yes, of course. To answer in

⁴ Ibid

⁵ Ibid

⁶ Ibid

⁷ Ibid

⁸ Ibid

⁹ Ibid

¹⁰ Ibid

the negative is to convict the nation and the Constitution of dehumanization and to repudiate the world legal order, which now recognizes rights of prisoners in the International Covenant on Prisoners' Rights to which India has signed assent. In Batra case, The Honourable Court has rejected the hands-off doctrine, and it has been held that although fundamental rights are subject to some reduction they do not flee the person as he enters the prison. Handcuffing means to restrain in a violent manner and humiliate in a degrading manner. There can be no reduction in the minimum freedom of movement, which an arrestee enjoys under article 19. Handcuffs should not be applied because there are alternatives available to secure a person. Under Article 14 prisoners too are entitled to equality and equal protection of law. If anything, unjust and excessive is done to a prisoner, then it will amount to violation of his rights and it will require the attention of legislature and courts. Meeting friends, relatives and attorneys is allowed under article 14 and article 21. Such rights are quite reasonable and non-arbitrary. Even the prison regulation recognizes the right of prisoners to be interviewed by the lawyer when required. Right to legal aid is guaranteed under this article 14 and 21.¹¹

National Human rights commission and prison rights

1. Supervision and Advice

NHRC is a body that monitors, and safeguards rights of the prisoners through inquiries about human rights violations in custody if there are any. It is the rule of Commission which makes it mandatory for state agencies to make a report regarding custodial deaths within 24 hours to fulfil its role as a monitor. In recent decades the commission has been pointing out the major problems such as the custodial violence, overcrowding, absence of medical care, disregard of mental healthcare, substandard living conditions, and legal aid. In times of crisis, like during the COVID-19 pandemic, the commission made the advice to the Supreme Court about prison management.¹²

2. Constitutional and International Benchmarks

The human rights commission sometimes seeks guidance from interpretations of Article 21 of the Constitution in cases such as Sunil Batra and Sheela Barse in order to design prison reforms. The commission also follows the international standards, including the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules).¹³

3. Limitations and Gaps

The most significant limitation pointed out is the fact that the powers of the NHRC are limited to recommendations as per the Protection of Human Rights Act, 1993. Its powers are not binding in nature, and it does not have any power to enforce its orders, penalize those responsible for human rights violations and take independent legal action. Due to the weak enforcement mechanism of NHRC's orders, they are often overlooked, delayed and even implemented in a token manner by state officials, which has resulted in the repetitive cycle of human rights violations without any significant reforms. Under Section 19 of the Act, NHRC

¹¹ Monesh Mehndiratta, 'Human Rights and Constitution of India' [iPleaders Blog](#) accessed 1 July 2026.

¹² Vinay Attri and Maneesh Yadav, 'Role of the National Human Rights Commission in Safeguarding Prisoners' Rights' (2025) **3(6) Indian Journal of Law** 21.

¹³ IBID

does not have the jurisdiction over the armed forces and, therefore, has limited human rights oversight in places of detention managed by military and paramilitary forces.¹⁴

¹⁴ Ibid