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PRISONERS' RIGHTS AND PRISON REFORMS IN INDIA

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INTRODUCTION

India houses one of the world's largest prison populations with nearly 5.73 lakh prisoners confined in jails built for approximately 4.25 lakh inmates, a staggering overcrowding rate of over 130%.¹ Yet in public discourse, the rights of those who exist behind bars remain conspicuously absent. The prevailing social imagination often treats imprisonment as the end of rights rather than a curtailment of liberty alone. This blog challenges that assumption. A conviction may strip an individual of their freedom but it does not and constitutionally cannot strip them of their fundamental humanity. The question of prisoner rights is not merely one of legal technicality; it is a question of what kind of society India aspires to be.

CONSTITUTIONAL FOUNDATIONS

The Indian Constitution does not expressly enumerate the rights of prisoners. However, the Supreme Court of India has through a series of landmark judgments read prisoner rights into the fundamental rights framework, particularly Article 21 which guarantees the right to life and personal liberty.

In *Sunil Batra v. Delhi Administration*,² the Supreme Court clearly held that prisoners retain all fundamental rights except those that are necessarily curtailed by the fact of incarceration. Justice V.R. Krishna Iyer, writing for the Court, observed that 'a prisoner is not a non-person.' The Court further ruled that solitary confinement and bar fetters could only be imposed under limited and judicially reviewable circumstances.

Similarly in *Charles Sobhraj v. Superintendent, Central Jail, Tihar*,³ the Court reaffirmed that prison authorities cannot impose hardships on inmates beyond what the sentence entails. The right to speedy trial, the right against torture, the right to legal aid and the right to humane

conditions of detention have all been read into Article 21 by judicial interpretation over the decades.

THE GROUND REALITY

Despite this constitutional scaffolding, the lived reality of Indian prisons paints a bleak picture. The Prison Statistics India Report 2022 published by the National Crime Records Bureau (NCRB) reveals several systemic failures that demand urgent attention.

First, overcrowding remains the most acute crisis. With an occupancy rate exceeding 130% nationally and states like Uttar Pradesh and Uttarakhand recording rates above 170%, inmates are denied even the most basic spatial dignity. Overcrowding compounds every other problem as it aggravates health risks, increases violence among inmates and strains the already limited prison staff.

Second and perhaps most troubling is the composition of the prison population itself. Over 75% of India's prison population comprises undertrial prisoners, individuals who have not been convicted of any crime and are awaiting trial.⁴ Many of these undertrials have spent more time in pre-trial detention than the maximum sentence their alleged offence carries. This reflects a profound failure of the bail system, legal aid infrastructure and judicial capacity.

Third, healthcare within prisons is grossly inadequate. Mental health services are virtually non-existent in most prisons despite studies indicating a high prevalence of depression, anxiety and post-traumatic stress disorder among incarcerated individuals. The COVID-19 pandemic further exposed the vulnerability of prison populations to public health crises.

Fourth, allegations of custodial torture and death remain a persistent concern. The National Human Rights Commission (NHRC) regularly receives complaints of custodial violence and official data on custodial deaths continues to raise uncomfortable questions about accountability within correctional institutions.

REFORMS: STEPS FORWARD, MILES TO GO

The Model Prison Manual 2016 prepared by the Ministry of Home Affairs provides a comprehensive framework for prison administration covering areas such as classification of prisoners, healthcare, legal aid, reformation programmes and the rights of women inmates. While progressive on paper, the Manual is not legally binding and its adoption varies

significantly across states since 'Prisons' is a State subject under the Seventh Schedule of the Constitution.

The Supreme Court in *Re: Inhuman Conditions in 1382 Prisons*,⁴ took suo motu cognizance of the deplorable conditions in Indian prisons and issued a series of directions addressing overcrowding, legal aid and the treatment of undertrial prisoners. The Court directed the constitution of State-level Committees headed by retired High Court judges to inspect prison conditions periodically.

More recently, the Bharatiya Nagarik Suraksha Sanhita 2023 which replaced the Code of Criminal Procedure has introduced provisions intended to reduce undertrial detention including expanded provisions for bail and mandatory case reviews.

The use of open prisons, which are correctional facilities where prisoners live with significantly greater autonomy and can engage in work or education outside, has also gained traction as a reform model. Rajasthan's open prison at Sanganer has been held up as a successful example of a rehabilitative approach to incarceration.

THE WAY FORWARD

Legislative action is required to make the Model Prison Manual binding, to fast-track undertrial review mechanisms and to establish independent prison oversight bodies. Investment in mental health services, vocational training and legal aid infrastructure within prisons is equally critical. Judicial reforms that ensure speedy trials and a more liberal bail culture would directly address the undertrial crisis.

CONCLUSION

The rights of prisoners are not a concession to wrongdoers; they are a reflection of the State's own commitment to the rule of law. When the State incarcerates, it assumes a duty of care, a duty that Article 21 demands be taken seriously. India's prison reform journey is ongoing and progress has been made. But the gap between constitutional promise and carceral reality remains wide. Bridging that gap is not merely a legal obligation; it is a moral one.

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