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PRISON REFORMS AND THE PROTECTION OF PRISONERS' RIGHTS: AN ANALYSIS IN INDIAN CONTEXT

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ABSTRACT :

The topic of prison reforms and the safeguarding of prisoners' rights is an important nexus among criminal justice, human rights, and constitutional rule. In all jurisdictions, prisons are not only institutions of punishment and deterrence but also settings where the ideals of dignity, equality, and the rule of law are tested most rigorously. This paper, "Prison Reforms and the Protection of Prisoners' Rights: A Comparative Analysis", aims to examine the development, present status, and future direction of prison management and legal protection available to prisoners, with emphasis on comparative legal traditions. The driving force for this research arises from the realization that prisons, too often considered to be the margins of legal attention, are in reality microcosms of wider societal and institutional forces. The treatment of prisoners, their condition, and the way the criminal justice system treats them are not only a mirror of penal policy but also reflective of a society's adherence to basic rights and humane administration. In this regard, the dissertation critically examines Indian and foreign practices related to prison life, inmates' rights, and reformative strategies and contrasts legal developments in India with those in the United Kingdom, the United States, and the European Union.



The research starts with a thorough explanation of the terminological and classification concept of prisoners, following the historical development of prison schemes and the philosophical changes from retributive to reformative justice. It sets the stage for seeing how legal and institutional reactions to incarceration have evolved over time. In continuation of this, the dissertation explores how prisoner rights have evolved by looking at constitutional requirements, international human rights standards, and notable judicial interventions that have influenced prison being recognized as rights-holders.

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KEYWORDS : *prison reform, criminal justice, protection of prisoner's rights, Article 21 of Indian constitution -The right to personal liberty and life, The treatment of prisoners.*

INTRODUCTION

The administration of criminal justice has changed over the years, reflecting shifting societal definitions of morality, justice, and the function of punishment. Traditionally, punishment was retributive, typically consisting of harsh, public sanctions. Prisons were utilized less as places of sentence and more as holding facilities for those in custody awaiting trial or execution. With time, particularly from the Enlightenment era, philosophers such as Cesare Beccaria and Jeremy Bentham

started promoting proportional punishment, rational legislation, and deterrence. Beccaria's treatise, *On Crimes and Punishments* (1764), was against torture and stressed that punishment must be for social and moral purposes. This was a philosophical shift towards a correctional perspective of imprisonment, where rehabilitation and reform became more prominent. In contemporary times, prison reforms are regarded as a measure of a state's adherence to the rule of law and human rights. The status of prisoners and the quality of incarceration speak volumes about a nation's constitutional ethos and democratic maturity. Global legal trends have played a profound role in shaping the rights of prisoners and the demand for humane conditions in prisons. The Universal Declaration of Human Rights, 1948 states in Article 5 that nobody will be subjected to torture or to cruel, inhuman or degrading treatment. Article 10(1) of the International Covenant on Civil and Political Rights, 1966 provides that "all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person." Such provisions emphasize the inviolable rights of prisoners, irrespective of their legal status. The United Nations Standard Minimum Rules for the Treatment of Prisoners, adopted in 1955 and amended as the Nelson Mandela Rules in 2015, provide for minimum requirements in the treatment of prisoners. Rule 1 states the principle that all prisoners shall be treated with respect for their inherent dignity and value as human beings. The Convention against Torture and Other Cruel, Inhuman or degrading treatment or punishment 1984 also requires states to take effective measures to prevent torture. Together, these instruments establish a robust normative regime, although the gap between theory and practices remain enormous, particularly in the developing world.

DEFINITION OF PRISONER

Legally, the definition of the word "prisoner" has occurred in different statutory and judicial definitions. As per Black's Law Dictionary, a prisoner is one who is "a person deprived of liberty and kept under involuntary restraint, confinement, or custody, especially one on trial or in prison"

Comparative analysis of prison system and prisoners right: Comparative study of select jurisdictions

1. India India's prison system is largely regulated by the prisons act, 1894 a colonial act still in force with day-to-day administration in the hands of state government under the state list of seven schedule of constitution. The Indian constitution, as a result of article 14, 19, 21 has a strong legal framework protecting prisoners right. The Supreme Court has reaffirmed such protection in a number of decisions, most prominently in *Sunil batra vs Delhi administration*, in which court stated that a prisoners is not stripped of basic right except those that are not inconsistent with imprisonment.

2. United Kingdom (UK)

The prison system of the United Kingdom is operated under the jurisdiction of Her Majesty's Prison and Probation Service (HMPPS) and is governed by human rights Obligations under the Human Rights Act, 1998. The Act incorporates the European Convention on Human Rights (ECHR) into national law, providing prisoners with Rights like the ban on torture (Article 3) and the right to family life (Article 8). While in general terms there is better infrastructure, the UK also faces problems such as prison overcrowding, drug addiction, and mental health problems among inmates.

Rights of Vulnerable

The concept of prisoner rights is not full without understanding the specific grievances against vulnerable sections within the prison system. As the legal architecture acknowledges the basic rights of prisoners, in reality, there are certain groups women, juveniles, undertrial prisoners, and those with mental or physical disabilities who suffer from structural disadvantages. This section examines the special challenges of these groups within Indian prisons and to what degree prevailing frameworks, both legal and institutional, alleviate or perpetuate their vulnerabilities.

A. Women Prisoners

Women represent about 4.4% of the Indian prison population¹⁹⁸. Although proportionally small, the group poses a particular set of needs and vulnerabilities not well met by the mainstream prison infrastructure. The Model Prison Manual, 2016, and international documents like the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules) are all about gender-sensitive correctional administration¹⁹⁹. But these norms are generally not uniformly followed across Indian states.

1. Insufficiency of Separate and Proper Facilities
2. Insufficiently of separate and proper facility
3. Maternity and child childcare
4. Staffing and healthcare

B. Juveniles and Young Offenders

The Juvenile Justice (Care and Protection of Children) Act, 2015 mandates the Separation of children from adult prisoners and the provision of rehabilitative, child friendly correctional facilities. Even so, there are violations of the act not infrequently. Juveniles are occasionally held in adult prisons, either as a result of Administrative oversight or improper age assessment

1. Psychological and Physical Trauma: Detention of juveniles in adult centers Exposes them to abuse, violence, and corruption. The adolescent years are Disrupted by such exposure, which usually leads to long-term psychological Harm. This is the opposite of the Act's declared aim of promoting the best Interests of the child.
2. Disruption in Development: Imprisonment in adult jails isolates juveniles from Education, family, and society. Even in specially designated observation Homes, vocational training and counselling services are poorly developed. A Save the Children study in 2017 found that fewer than 25% of juvenile homes had trained teachers or counsellors.
3. Rehabilitation Gaps: While the law mandates rehabilitation homes and Vocational schemes, they are not implemented uniformly, especially in rural And semi-urban sectors. The shortage of trained child psychologists, social Workers, and legal aid volunteers further undermines the reintegration process.
4. Under trial Prisoners: Under trial prisoners—those who are under trial and not yet convicted—account for Nearly 77% of the country's total prison population, one of the highest rates in the World. This statistic points to systemic failures in accessing justice in a timely Manner and captures socio-economic Imbalances in the criminal justice system. Excessive pretrial detention; under trials are regularly held for more than the maximum sentence allocated to their supposed offences .This is against article 21 and 22 of Indian constitution which promise protection of life and personal liberty and the right to seek advice from a legal practitioner.

CONCLUSION

Indian prisoners' rights discourse has witnessed a stark metamorphosis in the last few Decades from an era of institutional lethargy to one of judicial activism coupled with Increased academic interest. However, even with the encouraging jurisprudential Developments, a huge gap persists between the theoretical recognition of prisoners' Rights and their tangible implementation in prisons. This research has endeavored To take a critical analysis of the institutional, operational, and legal setup of the Indian Prison system and position it within comparative perspective by learning lessons from The United Kingdom, the United States, South Africa, and the Scandinavian countries. The conclusions indicate that although India has certainly made some normative gains Through milestone judgments and policy initiatives, the structural and systemic flaws In its prison system continue to erode the constitutional promise of justice, dignity, And equality for all, including prisoners. The constitutional basis for prisoners' rights in India is strong, based on Articles 14, 19, and 21 of the Constitution of India. These provisions, read together with the case Law of the Supreme Court, especially in cases like Sunil Batra v. Delhi Administration and Hussainara Khatoon v. State of Bihar, confirm that the prisoners still enjoy their Basic rights despite being punished. But the situation in Indian prisons stands in sharp

contrast to these maxims. The enforcement of prisoners right is plagued by administration complacency, imprecise legal requirement, old statute provisions and a legal absence of political will. prisoners remain under the coronoid coronial prisons of 1894, which highlights custody and control over correction and rehabilitation. Contrastingly, some nations have embraced innovative models that emphasize reintegration rather than punishment. The Scandinavian countries Norway, Sweden, and Finland provide some of the most powerful examples of restorative and humane correctional practices. Their prison philosophy is rooted in normalization, where prison life is as close to life outside as possible, and deprivation of liberty is the only punishment. This approach leads to much lower recidivism rates and improved mental health outcomes for prisoners. For instance, Norway's recidivism rate is around 20%, far lower than that of countries like the United States and India .

REFERENCES

1. International instruments

- Access to Justice Act, 1999 (United Kingdom)
- Constitution of the Republic of South Africa, 1996, s35
- Human Rights Act, 1998 (United Kingdom)
- International Covenant on Civil and Political Rights, 1966, Art. 10(1)
- League of Nations, Standard Minimum Rules for the Treatment of Prisoners, Geneva, 1934
- Prison Litigation Reform Act, 1996 (United States)
- UN General Assembly, Resolution 70/175: United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), 2015
- United Nations, Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), A/RES/70/175 (2015), Rule 1
- Universal Declaration of Human Rights, 1948, UNGA Res 217 A(III) Legislations and Reports

2. Legislations and reports

- Government of India, Model Prison Manual for the Superintendence and Management of Prisons in India, Ministry of Home Affairs, 2016
- Law Commission of India, 268th Report on Amendments to Criminal Procedure Code, August 2017
- National Crime Records Bureau (NCRB), Prison Statistics India 2021, Ministry of Home Affairs
- NCRB, Prison Statistics India 2022, Ministry of Home Affairs, Government of India, New Delhi, 2023
- Prisons Act, 1894, Act No. 9 of 1894
- Protection of Human Rights Act, 1993, Act No. 10 of 1994

Case Laws

- A.K. Gopalan v. State of Madras, AIR 1950 SC 27
- Cartar Singh v. State of Punjab, AIR 1994 SC 1734
- Charles Sobhraj v. Superintendent, Central Jail, AIR 1978 SC 1514
- Sunil Batra v. Delhi Administration, AIR 1579, 1980 SCR (2) 557
- Hussainara Khatoon v. State of Bihar, [1980] 1 SCC 81