



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

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**Received:** 24/01/2026

**Accepted:** 29/03/2026

**Published:** 15/04/2026

**Abstract**

The Constitution of India grants essential rights to all individuals, even to those who have been deprived of their freedom by being behind bars. Judicial interpretation, particularly under Article 21, has ruled that prisoners still retain their human rights even if they are in prison. Thus, this paper offers a critical review of the disjunction between the legal protection of rights and the actual conditions of prisons in India. The research points out the structural and institutional impediments to human rights that are recognized as effective and evaluates the policy changes that have been made recently to bring reform in the prisons. It claims that unless there are systemic implementations, independent supervision, and a shift in attitude towards correctional justice from punitive incarceration, the guarantees of the Constitution will only be dreams. The research finally comes up with recommendations for policies to eliminate the disparities between the norms established and reality in Indian prisons.

**Keywords:** Prisoners' rights, Article 21, undertrial prisoners, custodial justice, prison reforms, human rights, India

**1. Introduction**

The human rights protection in prisons is a significant indicator of a democratic society's commitment to constitutionalism, the rule of law, and substantive justice. A legal system that adheres to democratic values must not only admit that liberty deprivation through imprisonment does entail the loss of basic human dignity. In the Indian constitution, prisons are not seen as mere punishment or social exclusion tools, but rather as institutions that must operate under the principles of fairness, equality, and humane treatment. The Constitution makers, who were affected by liberal democratic ideas and international human rights standards, imagined a justice system that skillfully accommodates the security needs of society with the protection of personal liberty, including that of criminals. This is demonstrated by the broad understanding of fundamental rights, especially the right to life and personal liberty, that covers all individuals regardless of their detention conditions.

The guarantees provided in the Constitution are strong but the situation in prisons all over the country is still getting worse and is really a big issue that makes one doubt the practicality of these safeguards. Indian prisons are still dealing with prison overcrowding which has become chronic, long periods of undertrial detention, and very inadequate health facilities. They also suffer from custodial violence and a big lack of any meaningful rehabilitative and reintegrative programs. The existence of custodial deaths and torture allegations highlight the lack of accountability and oversight in the system. All these factors point to and highlight the contradiction that is quite alarming between the ideal legal standards and the existing administrative practices and this implies that constitutional rights are often unable to break through the closed and murky institutional setting of prisons. The



prison administration's failure to adopt a rights-based approach is indicative of the existence of deeper structural problems such as outdated legal systems, lack of resources, and a deeply rooted, punitive mindset.

### **Research Objectives**

The present study is undertaken with the following objectives:

1. To examine the constitutional framework governing the protection of human rights of prisoners in India, with particular emphasis on Articles 14, 19, and 21 of the Constitution.
2. To analyze the role of judicial interpretation in expanding and safeguarding prisoners' rights, focusing on landmark judgments of the Supreme Court of India.
3. To critically assess the existing statutory and administrative mechanisms regulating prison governance in India, including the continued relevance of colonial-era prison laws.

## **2. Review of Literature**

Indian Constitution is silent on the matter of prisoners' rights but has indirectly and through purposeful and rather large judicial interpretation asserted by the Supreme Court that fundamental rights are not extinguished by confinement. The rights of prisoners, in the main, are derived from Article 21 which is the right to life and personal liberty. The Judicial interpretation of this has extended the scope of the provision to include the right to live with dignity, the right to be treated with humanity and not to suffer any inhuman or cruel treatment, the right to protection, and the right to a fair, just, and reasonable procedure. This legal evolution of the Court shows that it has recognized prisoners as individuals with rights even if their liberty is limited by law.

Constitutional Articles 14 and 19, in addition, give more power to this protection, guaranteeing that everyone will be treated equally under law and protecting a small number of freedoms that are limited to the reason of confinement. Article 14 has been used to question the arbitrary practices in prison and the rights of Article 19, although limited, still exist as far as they are allowed by the discipline in custody. These provisions in unison create a constitutional framework where humane treatment of prisoners is a must and prohibition of inhumane, cruel, or degrading treatment to prisoners.

Although the constitutional rights are guaranteed, the layering of the law on prisons in India is still mainly through the Prisons Act of 1894, which is acts during the British Colonial time and has continued to exert its influence over the prison laws and governance even until now. The Act was conceived with an oppressive and controlling nature and therefore it recognizes very few prisoners' rights while at the same time granting prison authorities very wide discretionary powers. The states have their manuals for prison operation which, in a way, are the same as the prison administrative control concepts, being strict in some cases and rather loose in others, and having great differences in terms of standards and enforcement from state to state. Nevertheless, reform-oriented projects such as the Model Prisons and Correctional Services Act that intend to modernize and transform the prison system by putting the emphasis on rehabilitation, correction, and reintegration, have not been evenly adopted and implemented due to the fact that prisons are under the States List of the Constitution. The lack of cohesive national standards, together with ineffective enforcement and limited monitoring, has greatly hindered the implementation of constitutional rights in prisons. The disparity between legal rights and their non-fulfillment through administrative practices has been the main issue in the academic discussions on prison reforms and human rights protection in India.

### **Review of Past Studies and Scholarly Discourse**

The current body of literature on prisoners' rights in India mainly takes the position that constitutional jurisprudence has moved ahead of administrative reform. The first doctrinal works highlight the significant influence of judicial activism in widening the scope of Article 21 to encompass prisoners. Researchers have stated that the famous decisions made by the courts provided a solid normative basis for the humanization of prison law but could not bring about deep-rooted change of the kind because their nature was limited to specific cases and remedies.

Research studies on prison conditions have reported consistently and have pointed out prison overcrowding, undertrial detention, custodial violence, and lack of medical care as the main human rights violations. Analysts of prison data and reports from the field pointed out that the huge number of undertrial detainees is a clear indication of the cracks in the criminal justice system, especially in terms of the long time it takes for the processes of investigation, prosecution, and adjudication to be completed. The studies further claim that the



lengthy pre-trial detention practice transforms prisons into areas for preventive punishment rather than places for rehabilitation.

Various socio-legal researchers have analyzed the issues of custodial violence and fatalities as signs of institutional power that are unrestrained together with the absence of strong accountability systems. They have come to the conclusion that both internal discipline and external supervision are not sufficiently empowered or independent to grant effective remedy. Researches directed at health care and mental health in prisons also show a very high degree of neglect in the entire system, and this is particularly true for those who are weak. Such groups of prison inmates include women, the physically challenged, and the mentally disturbed.

In recent times, a number of policy-related research works have assessed the reform measures like, the Model Prisons and Correctional Services Act and judicial orders for decongestion, which are the main focus of the studies. The experts, while admitting the progressive nature of the measures, have pointed out several hurdles in the way of the reforms, such as lack of political will, underfunding, and bureaucracy's opposition. One of the main points made in the literature is that, the reform of legal provisions, when not accompanied by the restructuring and training of the institutions, will hardly lead to any change in the situation.

Author(s) & Year	Title of the Study	Objectives	Methodology	Key Findings	Research Gap / Limitations
Sunil Batra (1978)	Prisoners' Rights and Constitutional Protection	To examine constitutional safeguards available to prisoners	Doctrinal legal analysis	Established that prisoners retain fundamental rights under Article 21; condemned inhuman treatment	Lacked empirical evaluation of implementation at prison level
Hussainara Khatoon (1979)	Right to Speedy Trial and Undertrial Prisoners	To address prolonged detention of undertrial prisoners	Judicial intervention and case analysis	Recognized delay in trials as violation of personal liberty	Did not provide structural solutions to reduce undertrial population
Agarwal & Gaur (2014)	Human Rights of Prisoners in India	To analyze prisoners' rights under constitutional and international law	Doctrinal and comparative analysis	Identified mismatch between legal framework and prison practices	Limited discussion on administrative enforcement mechanisms
National Crime Records Bureau (2020)	Prison Statistics India	To present data on prison population and infrastructure	Secondary data analysis	Revealed overcrowding and high proportion of undertrial inmates	Does not analyze human rights implications or causal factors
CHRI (2018)	Looking into the Haze: Prison Oversight in India	To assess prison oversight and accountability	Empirical study and field reports	Found weak monitoring and lack of independent oversight	Recommendations not linked to constitutional enforcement
Tandon (2016)	Custodial Violence and State Accountability	To examine causes of custodial torture and deaths	Qualitative legal analysis	Identified impunity and weak accountability as core issues	Limited focus on preventive institutional reforms
Sarkar (2017)	Prison Reforms in India: A Human Rights Perspective	To evaluate prison reform initiatives	Policy analysis	Highlighted failure of reform implementation at state level	Lacked empirical prison-level assessment
Singh & Verma (2019)	Mental Health and Prisoners' Rights in India	To study mental healthcare in prisons	Empirical and doctrinal analysis	Found severe neglect of mental health services	Focused narrowly on healthcare, excluding broader rights discourse



Law Commission of India (2017)	Bail Reforms and Undertrial Detention	To reduce prison overcrowding through bail reform	Legal and policy review	Recommended liberal bail policies and decongestion	Implementation challenges not empirically studied
Rao (2021)	From Punishment to Correction: Rethinking Indian Prisons	To examine shift toward rehabilitative justice	Conceptual and comparative study	Advocated correctional model aligned with human rights	Lacked assessment of constitutional enforceability

### Synthesis and Research Gap

The literature that has been reviewed highlights a long-standing disconnection between Indian constitutional law and the management of prisons. Even though the courts have vividly depicted a wide range of rights for the inmates, the empirical evidence suggests that these rights are still mainly unexercised in practice. The current literature usually focuses on constitutional interpretation on the one hand and prison conditions on the other, which results in a lack of comprehensive analyses that would critically evaluate the extent to which constitutional promises are implemented—or thwarted—within prison management structures.

The current gap in literature will be filled with this study as it will critically review the interaction that exists between constitutional guarantees, judicial pronouncements and prisons conditions in India. The combined use of doctrinal analysis with empirical insights from previous studies will enable the research to assess whether protection of human rights in Indian prisons is a significant constitutional compliance or only a symbolic adherence to legal ideals.

### 3. Research Methodology

#### Research Design

The study has taken a qualitative doctrinal and socio-legal research approach in the present study to evaluate the status of human rights protection in Indian prisons critically. The research is analytical- and evaluative-type, concentrating on the disjunction between the constitution's guarantees and the prison's realities. The study plans to evaluate the effectiveness of legal and institutional mechanisms controlling the rights of prisoners in India by combining legal analysis and empirical insights obtained from secondary sources.

#### Nature of the Study

The research is both descriptive and explanatory, in that it systematically describes the constitutional and statutory framework that governs prisons while also providing reasons for the structural and institutional factors that lead to human rights violations in prisons. The research is non-experimental and is based exclusively on qualitative analysis.

#### Sources of Data

The study is based exclusively on **secondary data**, collected from authoritative and credible sources, including:

- Constitutional provisions of India
- Supreme Court and High Court judgments relating to prisoners' rights
- Statutory laws such as the Prisons Act, 1894 and reform-oriented policy documents
- Reports published by the National Crime Records Bureau (NCRB)
- Publications and investigation reports of the National Human Rights Commission (NHRC)
- Reports by national and international human rights organizations
- Law Commission of India reports
- Peer-reviewed journal articles, books, and working papers indexed in Scopus
- Government publications and parliamentary committee reports

#### Method of Data Collection

The collection of data was done through a systematic examination of documents. Legal texts, court rulings, policy papers, and literature were found in academic databases like Scopus, HeinOnline, JSTOR, and Google Scholar. To make sure there was no gap in the covering, keywords such as prisoners' rights, custodial justice, Article 21, prison reforms in India, and human rights in prisons were used.



### Analytical Framework

The analysis follows a **thematic and doctrinal approach**, structured around the following dimensions:

1. Constitutional guarantees and judicial interpretation of prisoners' rights
2. Statutory and administrative prison governance frameworks
3. Empirical realities of prison conditions in India
4. Institutional and structural barriers to human rights enforcement
5. Reform initiatives and policy responses

### Method of Analysis

The data that were collected underwent content analysis as well as comparative legal analysis for the purpose of their interpretation. Normative effects on jail administration were estimated based on the judicial utterances made. The policy documents and reform initiatives were reviewed in the light of international human rights standards and constitutional mandates. Comparative insights were drawn to underscore the discrepancies existing between legal norms and practical realities.

### Scope of the Study

The research covers the Indian prisons to a considerable extent, focusing on constitutional jurisprudence and national policy frameworks, in particular. Even though international human rights standards are mentioned for the purpose of comparison, the study mainly concentrates on the Indian legal and institutional environment.

### Limitations of the Study

The research is based on secondary data exclusively and does not consider primary fieldwork, nor does it conduct interviews with inmates or prison officers. Besides, the differences in the management of prisons at the state level and the accessibility of data might limit the applicability of the conclusions drawn. Still, the referencing of various credible sources guarantees the trustworthiness as well as the accuracy of the analysis.

### Ethical Considerations

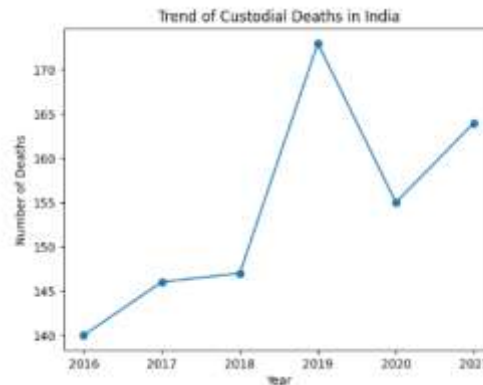
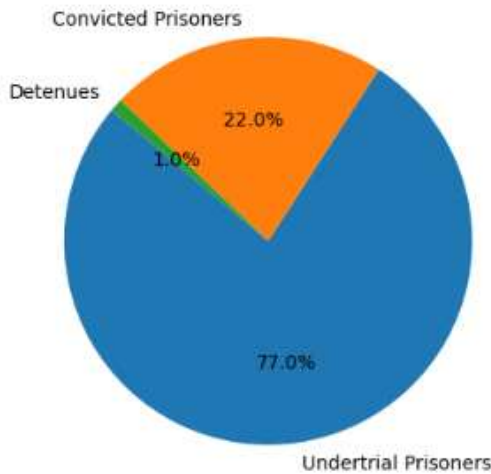
Because the study relied completely on secondary materials, there was no need for direct ethics committee approval. Nonetheless, adequate care was taken to depict judicial verdicts, policy papers, and research results correctly. To keep plagiarism at bay and to maintain the ethical standards of academia, all the sources have been mentioned.

## 4. DATA ANALYSIS

Analytical Parameter	Objective 1: Constitutional Framework (Articles 14, 19, 21)	Objective 2: Judicial Interpretation of Prisoners' Rights	Objective 3: Statutory & Administrative Prison Governance
Data Sources Analyzed	Constitution of India; constitutional commentaries	Supreme Court landmark judgments; law reports	Prisons Act, 1894; State Prison Manuals; policy documents
Method of Analysis	Doctrinal and textual analysis	Case law and precedential analysis	Statutory and institutional analysis
Key Findings	Constitutional provisions affirm equality, dignity, and limited freedoms for prisoners	Judiciary expanded Article 21 to prohibit inhuman treatment and safeguard dignity	Prison administration remains rooted in colonial punitive frameworks
Analytical Interpretation	Strong normative foundation for prisoners' human rights exists	Judicial role is transformative but largely remedial	Structural misalignment between constitutional ideals and prison practices



### Distribution of Prison Population in India



## 5. Institutional and Structural Barriers to Human Rights Protection

The persistence of human rights violations in prisons is due to multiple structural factors like the old and obsolete legal systems, bureaucratic procedures, insufficient financial support, and absence of qualified staff. The prison management is still mainly focused on maintaining security rather than implementing reforms. Moreover, prisons are considered part of the State List, which leads to unequal standards among different states and very little supervision from the central government. Also poor systems for handling complaints and lack of independent prison ombudsmen make supervision even more difficult.

## 6. Recent Reform Initiatives and Their Limitations

Lately, legal policies have been directed to inverse the older punitive prison and rehabilitative models' practices. The M.P. and C.S. Act advocated supports the correctional facilities' education, skills training, and reintegration programs with the community. Moreover, judges have supported the process of easing overcrowding by making changes to the bail system and using non-custodial courts as well as other alternatives to imprisonment. Nevertheless, the mentioned reforms are marred by various factors such as the lack of monitoring, resistance at the administrative level, and mainly deficient implementation. If the reform activities are not put under strict enforcement and do not receive the required financial support, they will continue to be mainly dreams.

## 7. Recommendations

1. Adoption and uniform implementation of modern prison legislation across all states.
2. Reduction of undertrial population through bail liberalization and fast-track courts.
3. Establishment of independent prison oversight and inspection authorities.
4. Strengthening legal aid and grievance redressal mechanisms within prisons.
5. Mandatory healthcare and mental health services with periodic audits.

## 8. Conclusion

The Indian Constitution gives a strong support for the protection of rights of the prisoners and judicial activism has further reinforced this through progressive reading of Article 21. However, the constant gap between the ideals of the Constitution and the realities of prisons indicates the existence of deep-rooted structural and institutional failures.

The current state of affairs in prisons is such that reform is needed which will make the legal protection of human rights a reality. A rights-based, rehabilitative, and accountability-driven approach is essential to ensure that Indian prisons do not function as sites of punishment but rather as places of justice, dignity, and social reintegration.

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