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# THE REALITY OF PRISON LIFE IN INDIA.

AUTHORED BY - ESTHER MARIA DCOUTO
Post graduate student in Criminal Law.
**Institute:** Crescent School of Law From B. S. Abdur Rahman Crescent Institute Of Science And Technology

## ABSTRACT

The Indian prison system is intended to function as a correctional institution that promotes reformation, rehabilitation, and the protection of prisoners' fundamental rights. Despite the existence of constitutional safeguards, statutory protections, judicial interventions, and policy frameworks such as the Model Prison Manual, 2016 and the Model Prisons and Correctional Services Act, 2023, prisons across India continue to face persistent structural and administrative challenges. This study examines the major problems affecting Indian prisons, including overcrowding, prolonged undertrial detention, inadequate healthcare and mental health services, staff shortages, insufficient legal aid, custodial violence, discrimination, corruption, and the limited availability of rehabilitation programmes.

Drawing upon recent findings from the India Justice Report 2025, Prison Statistics India 2023, landmark judgments of the Supreme Court of India, and relevant constitutional provisions, the paper analyses the widening gap between the legal ideals governing prison administration and the realities experienced by inmates. Particular attention is given to the continued dominance of undertrial incarceration, poor prison conditions, weak institutional accountability, and the challenges faced by vulnerable groups, including women prisoners and socio-economically disadvantaged inmates. The study further evaluates judicial contributions toward prison reform through decisions such as Sunil Batra, Charles Sobhraj, D.K. Basu, and Sukanya Shantha, which collectively expanded the scope of prisoners' rights and reinforced the constitutional mandate of human dignity.

The paper argues that the persistence of prison issues is not attributable to the absence of legal solutions but rather to inadequate implementation, administrative inefficiency, weak oversight mechanisms, and a lack of sustained political commitment to prison reform. It concludes that meaningful transformation of Indian prisons requires effective enforcement of existing legal frameworks, improved infrastructure and staffing, enhanced access to healthcare and legal aid, stronger accountability mechanisms, and comprehensive rehabilitation and reintegration

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measures. Addressing these deficiencies is essential not only for safeguarding human rights but also for strengthening the overall criminal justice system and reducing recidivism in India.

Keywords: Indian prisons, prison administration, prisoners' rights, overcrowding, undertrial prisoners, prison reform, constitutional safeguards, rehabilitation, custodial justice, criminal justice system.

## List of Acronyms & Abbreviation

AIR - All India Reporter
INR – Indian Rupees
INSC – India Supreme Court
NIMHANS – National Institute Of Mental Health And Neuroscience
SC – Supreme Court
SCC – Supreme Court Cases
SCO.LR – Supreme Court Observer Law Reporter
UK – United Kingdom's
US – United States
UTs – Union Territories

## List of Cases

1. Charles Sobhraj v. Superintendent, Central Jail, Tihar, New Delhi - AIR 1978 Supreme Court 1514 , (1978) 4 SCC 104
2. D.K. Basu v. State of West Bengal - AIR 1997 Supreme Court 610, (1997) 1 SCC 416
3. In Re Human Conditions in 1382 prisons – (2016) 3 SCC 700 and 2024 INSC 461
4. Khatri Vs State Of Bihar - AIR 1981 SC 928, (1981) 1 SCC 627
5. Maneka Gandhi Vs Union Of India - AIR 1978 Supreme Court 597, (1978) 1 SCC 248
6. Rama Murthy v. State of Karnataka - AIR 1997 Supreme Court 1739, (1997) 2 SCC 642
7. Sheela Barse v. State of Maharashtra - AIR 1983 Supreme Court 378, (1983) 2 SCC 96
8. Sukanya Shanta vs Union Of india - 2024 INSC 753
9. Sukhdev Yadav Vs State Of Delhi - 2025 INSC 969, 2025 SCO.LR 8(3)[12]
10. Sunil Bhatra Vs Delhi Administration - AIR 1978 SC 1675, (1978) 4 SCC 494 and AIR 1980 SC 1579, (1980) 3 SCC 488

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# CHAPTER 1: INTRODUCTION

When a person is arrested, they must be informed of the grounds for their arrest along with their legal rights, and this information must be relayed to their friends or relatives. Immediately following the arrest, the individual must undergo a mandatory medical examination by a medical officer or registered medical practitioner under Section 53 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to record any pre-existing injuries and protect against custodial violence. The arrested person is then taken to a police station for processing and detention under the care of the officer-in-charge before being produced before a magistrate within 24 hours.

If the investigation cannot be completed within those initial 24 hours, the magistrate exercises judicial oversight under Section 187 of the BNSS to decide whether to remand the arrested person to police custody for further investigation or to judicial custody. Regardless of the type of custody, the accused has the right to legal representation to apply for regular bail without delay, which the judge decides based on the nature and severity of the offense and the character of the accused. Furthermore, under Section 187(3) of the BNSS, if the police fail to complete the investigation and file a charge sheet within the statutory period of 60 or 90 days (depending on the severity of the offense), the accused becomes entitled to mandatory default bail.

Once the investigation concludes, if the police find insufficient evidence against the accused, they submit a closure report (final report) to the magistrate, leading to the release of the individual. Conversely, if sufficient evidence is found and a charge sheet is filed, the magistrate takes formal cognizance of the offense under Section 210 of the BNSS.

Subsequently, whether out on bail or in custody, the accused is summoned to court. At this stage, if the judge finds no prima facie case or sufficient ground for proceeding against the accused after reviewing the records, the court may order the dismissal of charges (discharge), freeing the accused before a trial even begins. However, if sufficient grounds exist, formal charges are framed and read to the accused, who must then plead guilty or not guilty.

If the accused pleads not guilty, they must attend the inquiry, trial, arguments, and other court proceedings—either physically or via video conferencing from jail—to defend themselves

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alongside their legal counsel. If acquitted, the court delivers a verdict in their favor, and the release order is transmitted to the jail authorities to ensure their release within 24 hours, ideally on the same day as the judgment. Furthermore, an acquitted individual may seek compensation for wrongful arrest and incarceration.

Conversely, if proven guilty, the accused is convicted and sentenced to imprisonment for the crime committed. During incarceration, prisoners are legally entitled to humane treatment, counseling, education, rehabilitation, and access to basic necessities and amenities. They are also assigned work by the prison administration and earn wages for their labor. Upon approaching their release date, inmates are expected to undergo aftercare programs to facilitate smooth reintegration into society. With access to housing, employment, and education, the likelihood of recidivism is ideally eliminated.

These rights and procedures are enshrined in the Constitution of India, the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 (which governs criminal procedure alongside the Bharatiya Nyaya Sanhita, 2023), the Model Prison Manual, 2016, the Model Prisons and Correctional Services Act, 2023, and numerous landmark judgments by the Supreme Court of India.

However, a stark gap exists between these legal ideals and ground reality. Because these provisions are rarely implemented in practice, severe systemic issues persist within Indian prisons, resulting in a detrimental impact on society as a whole. Under the Indian Constitution, prisons fall under the State List, making it the primary duty of state governments to resolve these issues. Yet, due to administrative apathy and a lack of political will, state governments have largely failed to enforce existing reforms. Consequently, despite well-documented solutions, prison crises continue unabated due to poor execution.

This study explores the realities of the Indian prison system in detail by examining:

• The major prison issues currently plaguing India.

• Key findings from official government and independent reports.

• Relevant constitutional provisions and landmark case laws addressing prisoners' rights.

• The root causes and societal consequences of ongoing prison failures despite the availability of established solutions.

## CHAPTER 2: MAJOR ISSUES OF PRISON IN INDIA

### Over Crowding

Congestion in jails, particularly among undertrials has been a source of concern. Law Enforcement Assistance Administration National Jail Census in 1970 had revealed that 52% of the jail inmates were awaiting trial. Obviously, if prison overcrowding is to be brought down

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then the under-trial population has to be reduced drastically. Of course, this cannot happen without the courts and the police works together. The three wings of the criminal justice system would have to act harmonically. Speedy trials are frustrated by a heavy court workload and complicated procedures, police's inability to produce the witnesses promptly, and a recalcitrant defence lawyer who was bent upon seeking adjournments, even if such tactics harm his/her client. Fast track courts have helped to a much extent, but it has not made any measurable differences to the problem of pendency. Increasing the number of courts could not bring about the desired difference as long as the current `adjournments culture' continues (Raghavan 2004).

**Corruption**

Corruption by prison staff, and its less aggressive corollary, guard corruption, is common in prisons around the world. Given that the substantial power, for guards exercised over inmates, these problems are predictable, but the low salaries that guards are generally paid severely aggravate them. In exchange for contraband or special treatment, inmates supplement guards' salaries with bribes.

**Unhealthy Living Conditions**

The overcrowding in the prisons leads to unsatisfactory living conditions. Although several jails have reformed outlined earlier have focused on issues like diet, clothing, and cleanliness, unsatisfactory living conditions continue in many prisons around the country. A special commission of inquiry, appointed after the 1995 death of a prominent businessman in India's high-security Tihar Central Jail, reported in 1997 that 10 000 inmates held in that institution endured serious health hazards, including overcrowding, "appalling" sanitary facilities and a shortage of medical staff.

"No one wants to go to prison however good the prison might be. To be deprived of the liberty and family life and friends and home surroundings is a terrible thing."

"To improve the prison conditions what does not mean that prison life should be made soft; it means that it should be made human and sensible for prisoners"

**Staff Shortage and Inadequate Training**

Prisons in India have a sanctioned strength of around 49030 prison staff at various ranks, of which, the present staff strength is around 40000. The ratio between the prison staff and the prisoners in the Indian prison is approximately 1:7. It means only one prison officer is available for 7 prisoners in India, while in the UK, 2 prison officers are available for every 3 prisoners.

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**Unequal treatments at prison**

"Though the prisons may be supposed as the levelling institutions in the world where some different variables that could create/develop the vital effects on the conditions of confinement of the criminal records and their inmates and also their Behaviour in prison, other factors play an important part in many countries" (Neier et al 1991). This report provided by the Human Rights, watch specifically cites countries like India and Pakistan, where a "rigid" class system exists in the prisons. It states that under this system, special privileges are accorded to the minority of the prisoners who came from the upper and middle classes of their irrespective of the crimes they have committed or the way they comport themselves in prison.

**Inadequate prison Program**

Despite the problems of overcrowding, manpower shortage, and other administrative difficulties, innovative initiatives have been undertaken in some prisons. For example, the Art of Living is carrying out a SMART program in Tihar Jail. It includes two courses per month with follow up of the sessions every weekend. Two courses are annually conducted for prison staff. But these may be more by way of exceptions and experiments. A Srijan project is aimed at providing social rehabilitation there. Still, such programs are few and far from Indian prisons. In India, many prisons have vocational training activities, but these are often outdated even. Hardly any of the prisons have well-planned prison programs providing daily structured activities, vocational training, pre-discharge guidance, and post-prison monitoring.

**Poor Budget for Health and Care in Prison**

In India, an average of US$ 333 (INR 10 474) per inmate per year was spent by prison authorities during the year 2005, distributed under the heads of food, clothing, medical expenses, vocational & educational, welfare activities, and others (National Crime Records Bureau (NCRB) 2005). This is in contrast to the US, where the average annual operating cost per state inmate in 2001 was $ 22,650 (the latter presumably also includes salaries of prison staff). The maximum expenditure is on food in Indian prisons. West Bengal, Punjab, Madhya Pradesh, Uttar Pradesh, Bihar, and Delhi reported relatively higher spending on medical expenses during that year, while Bihar, Karnataka, and West Bengal reported relatively higher spending on vocational and educational activities. Tamil Nadu, Orissa, and Chattisgarh reported that it is relatively higher spending on welfare activities regarding the prison.

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**Insufficient Legal Aid**

In India, legal aid to those who cannot afford to retain counsel which is only available at the time of trial and not when the detainee is brought to the remand court. Since the majority of prisoners, who are in lock up as well as those in prisons have not been tried, the absence of legal aid until the point of trial reduces greatly the value of the country's system of legal representation to the poor. The lawyers are not available at the point when many of them need such assistance. The lack of good and efficient lawyers in the legal aid panels is also a concern. Several suggestions are made from time to time to speed up the trial processes so that the population of undertrials could be reduced to the lower population in prison. Some of the suggestions provided by various committees were expeditious holding of trials, making it more possible for undertrials to plead guilty at any stage of the trial, a system of plea bargaining. In a seminar, the tough efforts have been made at the Tihar Jail by the University of Delhi faculty and students of law in the field of legal aid were highlighted. This included imparting legal literacy to the prisoners, sensitizing the prison administration, taking up individual prisoners to provide legal aid, involving para-legal staff to work with prisoners, both convicts, and undertrials. The seminar had suggested for Lok Adalat involvement to be greater and that constant monitoring of prisons was necessary to identify inadequacies and shortcomings in the prison administration. It finally suggested that there would be a need for law reform as essential to the entire system of legal aid.

A similar finding had been noted in the NIMHANS-National Commission for Women study in the Central Prison, Bangalore. In the Indian prison many of the women were illiterate, had never stepped out of their houses, had had no any financial resources and many had been arrested on petty charges. Most had no idea about legal procedures, such as, what is the process of trial, how to arrange for a defence lawyer, what laws exist to protect their children or property, etc.

**Abuse of Prisoners**

Physical abuse of prisoners by the guards is another chronic problem in the prisons of India. Some countries are still continuing to permit corporal punishments and the routine uses of leg irons, fetters, shackles, and chains. In many prison systems in India, unwarranted beatings are an integral part of prison life. Women prisoners in Indian prisons are particularly vulnerable to custodial sexual abuse. The problem was widespread all over the world especially in the United States, where male guards outnumbered women guards in many women's prisons. In some countries, Haiti being an exclusive example, female prisoners were even held together with

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male inmates, a situation that exposed them to rampant sexual abuse and violence. A book reviewing prison services in Punjab reported that to get food supplements, or blankets in the winter season, class c-prisoners must fan the convict officers, or massage their legs, or even perform sexual favours for them in the prison. The enslavement of other prisoners for the convict officers who effectively run the prisons is particularly severe for new comers (known as amdani). In prison, they are teased, harassed, abused, and even tortured as part of the process of breaking them in.

**Custodial Rape**

For women who are detained by the police, a particular danger is a rape in custody. Many of the victims are migrant women who lack the established community connections that would make protests on their behalf effective. The possibility for custodial rapes varies in India from state to state and jail to jail. Many cases remain unnoticed or unreported only a few come as a matter of chance. According to the PUDR, „chance circumstances" brought these cases to light. Otherwise, they probably would have gone unreported. To a far greater extent than in Western countries, the victims of rape risk punishment themselves or ostracism if what happened to them becomes known. They may be rejected by their husbands and families and, in the case of unmarried girls, in countries like India chances of marriage are reduced drastically. Such crime statistics are available in India to make it seem that rape in custody is increasing. it is unlikely that the woman's shame would ever be known by anyone other than the victim and her rapists if she maintains silence, the fear of further retribution is especially great when it is the police who are the rapists; the woman has little or no opportunity to raise a prompt outcry after the rape, and the almost certain result of a complaint is that the victim would suffer more while nothing would happen to her rapists.

**Custodial Tortures /Deaths**

The torture brutal physical treatment in custody by police official is another major Problem of jails in India. Third degree tortures within four walls of prison occur frequently and many times they remain unnoticed, such cases come light when media or human rights commission gives any attention on it. The proper treatments of inmates mentioned in the prison acts and in various manuals along with the guidelines of the apex courts are neglected by the police staff and sometimes it lead to deaths of prisoner under the custody. These tortures make victim to suffer mentally and physically and sometimes it gets long time for them to recover from that trauma. The Reports of national human rights commission and state human right commission depicts

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growth of such incidents in last two decades. The real stigma behind these custodial treatments is that the police official picks up any person from any time from any place and keeps them for long durations without showing any sufficient reasons for arrest.[1]

## CHAPTER 3: PRISONS IN FREEFALL: OVERCROWDED, UNDESERVED AND FORGOTTEN BY INDIAN JUSTICE REPORT 2025.

### 1. Severe Overcrowding

- The national average occupancy rate exceeds 131%.
- Projected inmate population by 2030: 6.8 lakh.
- Expected capacity by 2030: only 5.15 lakh.
- Under-trials make up **76% of prisoners**, with many spending **3–5 years in custody**.
- Between 2012 and 2022: Inmates increased from 3.8 lakh to 5.7 lakh while capacity rose from 3.4 lakh to 4.3 lakh — a 27% rise, which is not sufficient to match growth.
    - **Uttar Pradesh**: Most overcrowded prisons in India.
    - **Delhi**: 91% of prison inmates are undertrials.

### 2. Public Health Crisis

- **Medical Officers**: 43% vacancies.
- **Doctor-to-Prisoner ratio**: 1 : 775, far above the Model Prison Manual norm of 1 : 300.
- **Disability data gap**: No comprehensive health data on inmates entering with or acquiring disabilities in prisons.

### 3. Mental Health

- Only 25 psychologists/psychiatrists for 5.7 lakh prisoners — 1 per 22,929 inmates whereas the benchmark is 1 psychologist/psychiatrist per 500 inmates.
- 25 States/UTs have no provision for correctional mental health professionals.

### 4. Prison Expenditure:

- **Average annual spends per prisoner (2022–23)**: ₹44,110 (up from ₹38,028 in 2021–22).[2]

[1] Shubham Kashyap, Major problems of prison system in India, Reader's blog, Jan 1st 2022 11:45 IST, https://timesofindia.indiatimes.com/readersblog/shubham-kashyap/major-problems-of-prison-system-in-india-40079/

[2] RAU'S IAS STUDY CIRCLE, https://compass.rauias.com/current-affairs/india-justice-report-2025/, ( last

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**5. Period of Detention**:

On average undertrials are spending more time than ever before in pre-trial detention. At the end of 2022, 11,448 or 2.6 per cent had spent more than five years in pretrial detention. This is considerably higher than the 5,011 in 2019 and 2,028 in 2012. Worryingly, Uttar Pradesh alone accounted for nearly 40 per cent of the undertrials who had spent more than five years in detention.

**6. Welfare spending is neglected:**

Less than 1% of prison budgets are allocated for rehabilitation, education, vocational training, or prisoner welfare. Funds earmarked for these purposes are often underutilised or redirected toward basic administrative costs. Despite the adoption of forward-looking policies like the Model Prison Manual 2016 and the Model Prison and Correctional Services Act 2023, real transformation remains minimal. While 86% of prisons have introduced video conferencing facilities for court appearances, this has not significantly reduced trial delays or undertrial detention periods.[3]

7. **Staffing shortages exacerbate the situation:**

- Nationally, over 33% of sanctioned prison posts remain vacant.
- Guard-to-inmate ratios in many states are as high as one guard per 80–100 prisoners, against the recommended 1:6 ratio, compromising safety and order.

8.**Legal aid services inside prisons are patchy:**

- Only 67% of prisons have functional legal aid clinics.
- Where available, lawyers are poorly compensated (between ₹500–₹1000 per case), leading to low commitment and high absenteeism.

**9.The situation for women prisoners is even worse:**

- Sanctioned budgets for maternity and childcare are inadequate.
- Many prisons lack gender-sensitive facilities like private counselling spaces or sufficient women staff.[4]

visited on 26th November 2026)

[3] Tanya Arora, India's police, prisons in crisis, says Indian Justice report 2025, Newsclick, 7 may 2025, https://www.newsclick.in/indias-police-prisons-crisis-says-indian-justice-report-2025

[4] Tanya Arora, A system under strain: India's police and prisons in crisis shows India Justice Report 2025, Sabrang, 7 May 2025, https://sabrangindia.in/a-system-under-strain-indias-police-and-prisons-in-crisis-shows-indian-justice-report-2025/

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**10. Limited reformation progress:**

Open prisons which proven internationally to reduce recidivism exist in only 16 states, covering a minuscule fraction of eligible inmates [4]. Rehabilitation goals remain unmet, with **only 6% of inmates receiving education** and **2% vocational training in 2022.** [5]

**CONCLUDING REMARK:**

The India Justice Report warns unambiguously: Until governments prioritise prison reforms with serious budgetary commitment, robust healthcare staffing, expanded rehabilitation services, and genuine decongestion measures, prisons will continue to be spaces of injustice, suffering, and lost human potentials.[4]

## CHAPTER 4: PRISON STATISTICS REPORT 2023 BY THE NATIONAL CRIMINAL RECORD BUREAU

The **Prison Statistics India 2023 (PSI-2023)** records a total prison population of **5,54,034 inmates**, a **4.1% rise** from 2022. The most critical finding is **overcrowding**: India's **All-India Occupancy Rate reached 120.1%**, meaning prisons held one-fifth more inmates than sanctioned capacity. Some systems are far worse - **Delhi's prisons operate at nearly 200% occupancy**, while Telangana remains lowest at ~72.8%.

- A persistent imbalance drives this: **undertrial prisoners (UTs) constitute 76.2% (4,22,238 inmates)**, compared to **23.3% convicts**. This over-reliance on pre-trial detention means nearly one-third of undertrials have already spent over a year in custody.[6] Uttar Pradesh held the most undertrials (around 73,000).[7]

**Inmate Profile & Administration**

- **Social Profile**: 69.3% of inmates belong to SC, ST, and OBC categories; 25.1% are illiterate.
- **Women**: Women comprise **4.4%** of inmates, many accompanied by children, raising infrastructure and care challenges. Women prisoners face limited hygiene access, insufficient medical care and inadequate gender sensitive facilities.

[5] Drishti IAS, https://www.drishtiias.com/daily-updates/daily-news-analysis/india-justice-report-2025, ( last visited on 26th November 2026)
[6] The policy edge, https://www.policyedge.in/p/ncrbs-prison-statistics-india-2023, ( last visited on 26th November 2026)
[7] TNPSC Thervu Pettaggam, https://www.tnpscthervupettagam.com/currentaffairs-detail/prison-statistics-india-psi-2023-report?cat=reports-and-indices, (last visited on 26th November 2026)

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- **Staffing**: **26.5% of sanctioned prison staff posts are vacant**, worsening overcrowding pressures.

**Health and Mental Health Crisis**

- **Mentally Ill Prisoners**: The report records **5,160 inmates** with mental illness; a parallel Supreme Court Centre for Research and Planning analysis puts the figure at **16,503 in 2023 (up from 9,084 in 2022)**, reflecting under-reporting and a rising crisis.[6]
- **Deaths**: A total of **2,360 deaths** were recorded in 2023, including **101 suicides** - suicides remain a leading cause of unnatural deaths in prisons.[6] Punjab reported the highest number of unnatural deaths.[7]
- **Care Deficit**: With roughly **one mental health professional per 23,000 inmates** (based on 2022 staffing), prisons lack even minimum psychiatric support.

PSI-2023 underscores how **judicial delay, undertrial detention, and weak infrastructure** converge into systemic stress. The severe overcrowding undermines not only safety and segregation but also human rights. Addressing this requires:

- **Decongestion strategies** (bail reforms, fast-track courts, non-custodial sentencing).
- **Investment in prison infrastructure** and **mental health staffing**.
- **Socio-legal support** for marginalized groups (SCs, STs, OBCs, and women with children).[8]

## CHAPTER 5: LANDMARK JUDGEMENTS ON PRISONS ISSUES

### 5.1 – Table of cases with citations and judgements

| Case name | Citation of the case | Key principle and impact |
|---|---|---|
| Sunil Batra v. Delhi Administration | • **(1978) 4 SCC 494, AIR 1978 SC 1675**<br>• **(1980) 3 SCC 488, AIR 1980 SC 1579** | Acknowledged that prisoners do not lose their fundamental rights upon incarceration. The court banned routine handcuffing and the use of bar fetters, condemning cruel, inhuman, or degrading |

[8] The policy edge, https://www.policyedge.in/p/ncrbs-prison-statistics-india-2023, ( last visited on 26th November 2026

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| | | |
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| | | treatment. This case was a watershed in developing prison jurisprudence in India. |
| Charles Sobhraj v. Superintendent, Central Jail | **(1978) 4 SCC 104, AIR 1978 Supreme Court 1514** | Ruled that fundamental rights available to prisoners are dynamic and can be expanded in challenging circumstances. It declared prison overcrowding a violation of human rights and emphasised the right to humane conditions |
| Maneka Gandhi v. Union of India | **(1978) 1 SCC 248, AIR 1978 Supreme Court 597** | Broadened the interpretation of Article 21 (right to life and personal liberty) to include the right to live with human dignity. This principle became the foundation for subsequent decisions on the humane treatment of prisoners. |
| Khatri v. State of Bihar | **(1981) 1 SCC 627, AIR 1981 SC 928** | Held that the government is constitutionally obliged to provide legal aid to a poor accused person and that this right accrues from the moment of arrest. Based on the principles laid down by the Hussainara Khatoon case. |

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| Sheela Barse v. State of Maharashtra | **(1983) 2 SCC 96,**<br>**AIR 1983 Supreme Court 378** | Criticised brutality against women prisoners in police lockups and emphasised the necessity of legal representation for all prisoners, especially vulnerable groups. |
| Rama Murthy v. State of Karnataka | **(1997) 2 SCC 642,**<br>**AIR 1997 Supreme Court 1739** | Identified nine major issues in Indian prisons requiring immediate attention: overcrowding, delayed trials, neglect of health and hygiene, torture/ill-treatment, and inadequate food/clothing. It urged a rehabilitative approach to punishment. |
| D.K. Basu v. State of West Bengal | **(1997) 1 SCC 416,**<br>**AIR 1997 Supreme Court 610** | Issued detailed guidelines for arrest and detention procedures to prevent custodial torture and deaths, emphasising the importance of human dignity in custody. |
| In Re-Inhuman Conditions in 1382 Prisons | • **(2016) 3 SCC 700**<br>• **2024 INSC 461** | The Supreme Court has taken *suo moto*cognisance of the poor conditions in numerous prisons and issued ongoing directives to states to address overcrowding, improve infrastructure, |

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| | | |
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| | | increase staffing, and ensure basic amenities and medical facilities. |
| Sukanya Shantha v. Union of India | **2024 INSC 753** | A landmark ruling that declared caste-based discrimination and segregation practices in Indian prisons unconstitutional, directing all states to revise their prison manuals to eliminate discriminatory provisions. |
| Sukhdev Yadav v. State of Delhi | **2025 INSC 969, 2025 SCO.LR 8(3)** | The Court ruled that a convict who has completed a fixed-term life sentence is entitled to immediate release and does not need to apply for remission, as detention beyond the sentence period violates Article 21. |

## CHAPTER 6: RECENT LEGAL FRAMEWORKS AND CONSTITUTIONAL RIGHTS SAFEGUARDING THE RIGHTS OF THE PRISONERS.

### LEGAL FRAMEWORK:

In the 21st century, the government has made significant strides in prison reform.

- The **2016 Model Prison Manual** was introduced to standardize prison management, focusing on prisoner classification, medical care, and vocational training.
- In 2018, the **Prisons Development Fund** was launched to modernize prison infrastructure and support state-level improvements.

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- **Model Prisons Act 2023** includes provisions for managing high-security and open jails, ensuring prisoner welfare through legal aid, parole, and good conduct incentives, and utilizing technology for transparent prison administration and security.[9]

**KEY CONSTITUTIONAL ARTICLES AND THEIR IMPLICATIONS ON PRIOSN ISSUES:**

Articles 14, 17, 19, 20, 21, 22, 23, 32, and 39A of the Indian Constitution establish fundamental rights and directive principles that ensure prisoners are treated with dignity, fairness, and humanity

- **Article 14:** Guarantees equality before the law and equal protection of laws, ensuring prisoners are treated equally and preventing arbitrary discrimination. While reasonable classification of prisoners is permitted, sub-human conditions or discriminatory practices are violations.
- **Article 17:** Abolishes untouchability, addressing caste-based discrimination in prisons. This practice is forbidden and punishable, and the state must act against violations by anyone within the prison system.
- **Article 19:** Protects freedoms such as speech and expression and the right to form associations, which prisoners can still exercise subject to regulations, although freedoms like movement and residence are restricted by imprisonment.
- **Article 20:** Provides protection against arbitrary punishment and conviction, including:
    - Protection against retrospective criminal laws.
    - Protection against double jeopardy.
    - Protection against self-incrimination.
- **Article 21:** Protects life and personal liberty. Its interpretation includes the right to live with human dignity, health, medical treatment, protection against custodial violence, speedy trial, and the right to meet family and friends. Procedures for depriving liberty must be fair and just.
- **Article 22:** Offers protection against arrest and detention, including the right to know the grounds for arrest, legal representation, and production before a magistrate within 24 hours.
- **Article 23:** Prohibits forced labour. While prisoners with rigorous sentences may be required to work, it must be gainful, compensated, and not for private profit.

[9] Drishti IAS, https://www.drishtiias.com/daily-updates/daily-news-editorials/transforming-india-s-prison-system , (last visited on 26th November 2026)

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- **Article 32:** Allows individuals, including prisoners, to approach the Supreme Court for enforcement of fundamental rights through judicial remedies like writs.
- **Article 39A:** A Directive Principle mandating the state to provide free legal aid to ensure justice is accessible regardless of economic status.[10]

## CHAPTER 7: CAUSES AND CONSEQUENCES THE ONGOING PRISON ISSUES.

The prison problems are continuing even now, not because the solutions are not given for them but because no one is acting on the given solutions. So the cause and consequences of ongoing prison issues are as followed:

### CAUSES OF THE ONGOING PRISON ISSUES:

- **Lack of political will on the government side:**

  The prison management and administration are found in the entry 4 of the state list in the seventh schedule. This means the state has the power to make laws regarding the subject matters related to prison but yet no action has taken place when comes to the ongoing prison issues because they still follow the prison act 1894 which is actually outdated for it is unable to meet the needs and requirements of today's prisons and the state government has not created their own prison laws for the prisons in their states. Moreover, they are not even using the model prison act 2023 and model prison manual 2016 introduced and recommended by the central government. It appears that the state government is prioritising other agendas which some of them are not concerning to public welfare and thus the concerns about the prison issues is never one of their foremost priorities. Also when the state government belongs to the opposition party and the central government is the ruling party, they do not get along very well in almost everything.

- **Societies are ignorant and indifferent to prison plights:**

  Societies are not aware about the prison issues persisting even today unless they come to know about them through public awareness and education by the National Human Right Commission, State Human Right Commission and civil society organisations like non governmental organisations. Reports given by National Crime

[10] INDIA CONST. art. 14, 17, 19 to 23, 32 and 39

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Record Bureau and cases brought forth to the Supreme Court and High courts as well as the verdicts laid down by these courts comes to the public knowledge through news and official websites. But people are not willing to do anything about it except a handful of them are willing to help the prisoners and solve the prison issues. People do not consider the prisoners as their fellow human beings even though they were once a part of their community and the people refuse to welcome those released from jail back into the society.

- **Weak internal monitoring and supervising mechanism over prison personnels:**

There is lack of accountability and transparency from the prison administration as a result of corruption and abuse or misuse of power. Prison personnels including jailers and warden are corrupt for they take away earnings and belongings from the prisoners and convert those confiscated properties into their personal use and gains illegally. Moreover, the funds meant for development and welfare of the prison are being misappropriated by the prison personnels and they force prisoners to work for more hours with little to no payments. Beside there are some prison personnels who work secretly for the prisoners thus getting involved in their secret illegal activities for illicit benefits. So, it is very clear that there is no one to supervise as well as control prison personnels and monitor their activities since there is no integrity, sincerity, discipline and punctuality among the prison personnels themselves.

- **No strong and proper grievance redressal forum for prisoners:**

Abuse on prisoners can be of any form like custodial torture and rape by the prison personnels who commit these heinous acts out of frustration or sadism because the prisoners are not seen as fellow human beings to them but they show favouritism and shower special treatments to certain prisoners either because those prisoners are well known popular people or the prison personnels are in cahoots with the prisoners who are part of criminal gangs that have criminal connections and networks, inside and outside the jail. Moreover, the criminal gangs or wealthy influential prisoners have access to all the basic amenities and privileges leaving the poor illiterate prisoners who have no support or connection to survive on their own. Prisoners can be violated, harassed and exploited by their fellow prisoners who are financially and physically stronger than them. So if any prisoner wants to report abuse and neglect happening in prison, to whom and where will he/she approach to in the prison since there is no

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grievance redressal forum dealing with abuse and neglect. Even if there is a forum dealing with human rights violation and remedies yet it is highly doubtful whether they will take complaints lodged by prisoners into considerations with a sense of complete seriousness and rendering justice.

- **The inefficiency, ineffectiveness, incompetency and corruption of prison administration board:**

  The prison administration board has failed to resolve or contain most of the ongoing prison problems owing to their poor performance in fulfilling their responsibilities like managing infrastructures, implementing plans and policies, vetting and training staff, maintaining discipline and order among prisoners, ensuring welfare of the prisoners along with reformation and rehabilitation, providing basic amenities etc because the board are incompetent, ineffective, inefficient and corrupt.

## CONSEQUENCES OF ONGOING PRISON ISSUES

- **Persistent lack of reformation, rehabilitation and reintegration programmes leads to recidivism:**

  The lack of reformation, rehabilitation and reintegration such as providing education, vocational training, counselling, therapy and after care programmes in prison makes a former convict struggle to get a house, employment, education and to rebuild relationships with friends and families. Thus the person is forced to revert back to their criminal activities for their own survival and this results in them going back to jail where there is obviously no proper support, guidance and care provided by the government leading to recidivism since the person will have no problem in committing the crime again making him or her an habitual offender. He or she doesn't mind going in and out of the jail since there is nothing inside to help them become a better person.

- **Persistent prison problems make the prisoners hardened criminals:**

  The prisoners, especially first time offenders, who became victims of corruption, violence, discrimination, exploitation and criminal influence that remain unchecked and unbothered in prisons coupled with daily struggles to get basic necessities and relative comforts get molded and shaped into hardened criminals for they either gradually or eventually embraced crime as a necessity and a fact of life.

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## CHAPTER 8: CONCLUSION

Every academician, legal expert, lawyer, judge and jurist have provided solutions for all the prison issues as recommendations or suggestions which have been acknowledged by the central government that they created comprehensive model framework for prison matters based on these given solutions to all the states hoping it would reduce or remove most of the problems happening in jails.

But despite of the proposed solutions still these prison issues are continuing because the state governments have failed to adopt and implement those proposed model prisons laws or incorporate them in their existing state prison laws through amendments though there are some states and union territories that are using and following partly or wholly of them. It is highly disappointing that the jail authorities are not performing their job properly. At least placing prison administration in the Concurrent List through a constitutional amendment could alleviate some of the persistent problems faced by Indian prisons, as it would enable Parliament to enact uniform prison laws and, in cases of inconsistency, Parliamentary legislation would generally prevail over State legislation under Article 254 of the Constitution.

So, how are we as citizens going to persuade the state governments and the jail authorities to take up the prison matters seriously and eradicate the problems will always remain a big question.

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[9] INDIA CONST. art. 14, 17, 19 to 23, 32 and 39