



INDIAN JOURNAL OF LEGAL REVIEW

VOLUME 5 AND ISSUE 13 OF 2025

INSTITUTE OF LEGAL EDUCATION



INDIAN JOURNAL OF LEGAL REVIEW

APIS – 3920 – 0001 | ISSN – 2583-2344

(Open Access Journal)

Journal's Home Page – <https://ijlr.iledu.in/>

Journal's Editorial Page – <https://ijlr.iledu.in/editorial-board/>

Volume 5 and Issue 13 of 2025 (Access Full Issue on – <https://ijlr.iledu.in/volume-5-and-issue-13-of-2025/>)

Publisher

Prasanna S,

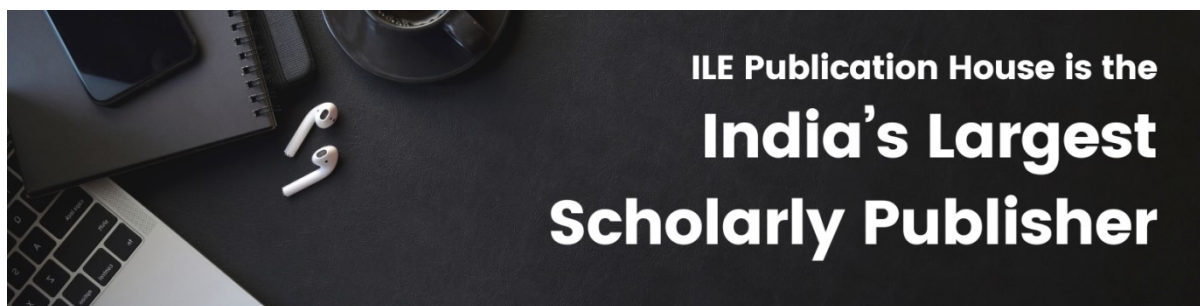
Chairman of Institute of Legal Education

No. 08, Arul Nagar, Seera Thoppu,

Maudhanda Kurichi, Srirangam,

Tiruchirappalli – 620102

Phone : +91 73059 14348 – info@iledu.in / Chairman@iledu.in



© Institute of Legal Education

Copyright Disclaimer: All rights are reserve with Institute of Legal Education. No part of the material published on this website (Articles or Research Papers including those published in this journal) may be reproduced, distributed, or transmitted in any form or by any means, including photocopying, recording, or other electronic or mechanical methods, without the prior written permission of the publisher. For more details refer <https://ijlr.iledu.in/terms-and-condition/>

INHUMANE TREATMENT OF PRISONERS IN JAIL IN INDIA

AUTHOR – MUSKAAN MALIK, STUDENT AT GGSIPU

BEST CITATION – MUSKAAN MALIK, INHUMANE TREATMENT OF PRISONERS IN JAIL IN INDIA, *INDIAN JOURNAL OF LEGAL REVIEW (IJLR)*, 5 (13) OF 2025, PG. 189-193, APIS – 3920 – 0001 & ISSN – 2583-2344.

ABSTRACT

This study's goal is to show the outcomes of a thorough investigation into how badly inmates are treated in India, along with the causes and effects of this abuse. This scientific study will take a close look at the main issues that still remain in the prison setting. Overcrowding, being locked up for long periods of time before a trial, torture and deaths in custody, bad health care and cleanliness, and not having access to basic needs based on age and gender are some of the problems with prisons. To reach its goals, this study uses official records, investigations by international non-governmental groups, important Supreme Court decisions, and academic literature. This page completely describes the laws, rules, and attempts to change things that are currently in place to fix these systemic issues. They are meant to help us deal with the issues that have been brought up. When these problems are looked at in the bigger picture of civil law and human rights, the study shows how the laws are not always carried out the way they are supposed to be. This is done to help people understand the problem better. Based on the evidence, the study ends with ideas for changes to the law, the way the government is set up, and how the courts watch over things. The ideas here are based on facts. The goals of these ideas are to make sure that India's courts follow the constitutional rights to justice and dignity, as well as human rights standards that are recognized all over the world. Some of these claims are based on religious views and others on facts from the real world

INTRODUCTION

In spite of the fact that prisons are designed to house those who have been denied their freedom via the application of due process of law, they continue to be subject to constitutional guarantees, most notably the right to life and dignity as outlined in Article 21 of the Indian Constitution. In spite of this, there is a consistently growing collection of information that shows the brutal treatment of detainees across India. This includes excessive overcrowding, a lack of healthcare, fatalities and torture that occur in custody, and housing conditions that are below acceptable standards. Because of these conditions, rehabilitation and social reintegration are made more difficult, which has serious implications for human rights. The National Human Rights Commission of India has recently conducted monitoring, and reports

from international nongovernmental organizations have brought attention back to these issues.

METHODOLOGY

The research employed two unique observational methodologies to examine the maltreatment of detainees in Indian prisons. The doctrinal method looks at current laws, parts of the Constitution, and important Supreme Court decisions that protect prisoners' rights. It pays a lot of attention to the rules, legislation, and court decisions that keep prisoners safe while they are in jail. The desk-based empirical study that looks at how things really are in jails includes reports from the government and other official sources as secondary data. You can get this kind of information in jail records and the yearly reports from the National Human Rights Commission. Amnesty International and Human Rights Watch

are two additional helpful places to get information. It includes information from university studies and policy reviews so that you can see the whole picture. These methods let us get a full picture of the rules, how they are obeyed, and what it's like to be in jail in India.

LITERATURE REVIEW

V.R. Krishna Iyer, in his book Prisoners and the Law (1980), laid the foundation for understanding the human rights of prisoners in India. He argued that imprisonment does not divest a person of all fundamental rights and emphasized the responsibility of the State to ensure humane treatment. Similarly, Justice A.N. Mulla's Report on Prison Reforms in India (1983) remains a landmark document, highlighting poor living standards, lack of medical care, and administrative indifference in jails. The report also called for a shift from retributive to reformatory justice.

B.L. Hansaria in Rights of Prisoners under the Constitution of India (1996), Article 21 guarantees protection even to prisoners, including the right to health, dignity, and legal aid. He noted that Indian prisons often violate these rights due to overcrowding and poor management. The work of Upendra Baxi (The Crisis of the Indian Legal System, 1982) also criticizes the State's neglect of human rights in custodial settings, describing prisons as "zones of exception" where constitutional promises often fail.

Raghavan and K. Chandrasekaran in their article Overcrowding in Indian Prisons: A Study of Causes and Consequences (Indian Journal of Criminology, 2018) point out that more than two-thirds of India's prisoners are undertrials. They argue that the delay in investigation, lengthy court procedures, and lack of access to bail lead to the denial of liberty without conviction. The National Crime Records Bureau (NCRB), in its Prison Statistics India 2023 report, confirmed that the national occupancy rate was around 120%, showing that systemic congestion remains unresolved.

The India Justice Report (2022) by Tata Trusts highlights that overcrowding directly impacts sanitation, health, and access to basic facilities. The report finds that states like Uttar Pradesh, Madhya Pradesh, and Delhi have among the worst prison overcrowding levels, with inmates living in substandard conditions.

The National Human Rights Commission (NHRC) Annual Report 2022–23 observed a continuing rise in custodial deaths, often resulting from torture, neglect, or inadequate medical care. Human Rights Watch in its report Broken System: Dysfunction, Abuse, and Impunity in the Indian Police (2019) also documents widespread custodial violence and impunity. Similarly, J.P. Mishra's article Health and Hygiene in Indian Prisons (Journal of Social Defense, 2017) notes that the lack of mental health care, malnutrition, and unhygienic conditions amount to violations of prisoners' basic rights under Article 21.

Nandita Haksar and Indira Jaising, in The Rights of Prisoners in India (1986), focus on women prisoners, arguing that prisons fail to provide gender-sensitive facilities such as maternity care and menstrual hygiene. The Committee on Women Prisoners chaired by Justice Sujata Manohar (1997) also identified sexual exploitation and lack of female staff as major concerns. Shubhangi Sharma's research Gender, Power, and Incarceration in India (Indian Law Review, 2020) further explores how caste and class intersect to worsen the experience of incarceration for women and marginalized communities.

The United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) (2015) set global standards for humane treatment. Scholars like Dr. R.K. Tiwari in Comparative Prison Reforms: India and the World (2019) argue that India still falls short of these benchmarks due to limited funding and poor enforcement. He recommends adopting community-based alternatives such as parole, probation, and open prisons. B.B. Pande's writings on human rights in custody (2012) also

emphasize the need to align India's prison system with international norms and strengthen monitoring by independent bodies.

LEGAL AND POLICY FRAMEWORK

Constitutional Protections and Statutory Law

- Article 21 (Right to life and personal liberty) applies within prisons.
- Various statutes and prison manuals lay down procedural rules, but implementation gaps exist.

LANDMARK JUDGEMENTS

Sunil Batra v. Delhi Administration (1978/1979)

The Supreme Court recognised that prisoners retain fundamental rights and condemned custodial torture; it accepted prisoners' humane treatment as part of Article 21 protections. This case significantly advanced judicial awareness of prison cruelty and laid groundwork for judicial oversight.

D.K. Basu v. State of West Bengal (1996/1997)

The Court issued procedural safeguards and guidelines to reduce custodial violence (e.g., arrest memo, medical examination, police station entry logs, informing next of kin), aimed at preventing torture and custodial deaths. These guidelines remain essential reference points for curbing police and custodial abuse.

Case Law – Implementation Gaps and Judicial Role

Judicial pronouncements (Sunil Batra, D.K. Basu and subsequent orders) have articulated rights and safeguards; however, courts often must reiterate directions due to executive implementation gaps. Strategic litigation and periodic judicial monitoring (e.g., through PILs and monitoring benches) remain crucial for enforcement.

EMPIRICAL FINDINGS (SYNTHESIS)

1. Scale and Nature of Overcrowding

Government monitoring and independent analyses show widespread overcrowding: many prisons operate above their sanctioned

capacity, with undertrial detainees forming a large proportion. Overcrowding reduces per-prisoner access to basic amenities and exacerbates transmission of communicable diseases.

2. Incidents of Torture and Custodial Deaths

Documented instances of physical abuse, torture and custodial deaths – reported by NGOs and state machinery – indicate both police custody and prison wards as sites of rights violations. While judicial guidelines exist, inconsistent compliance and weak accountability enable recurrence.

3. Healthcare Deficits and Mental-Health Crisis

Many jails lack adequate medical staff, regular screenings and emergency response capabilities. This shortfall contributes to preventable deaths and unaddressed psychiatric morbidity; suicides and self-harm in custody are a continuing concern.

4. Gendered and Juvenile Vulnerabilities

Women in prison sometimes don't have access to pregnancy and postnatal care, menstrual hygiene, or gender-sensitive separation. Even if there are legal protections in place, minors or juveniles who are put in adult facilities are at risk of serious developmental and safety problems.

CAUSES OF INHUMANE TREATMENT

1. Criminal Justice Backlog & Arrest Practices: High rates of arrest, delayed investigations and slow trials swell undertrial populations.
2. Administrative Underfunding: Chronic budgetary shortfalls for prison infrastructure, staffing and healthcare.
3. Culture and Training Gaps: Insufficient training of custodial staff on human-rights standards, and a punitive rather than rehabilitative custodial culture.
4. Weak Accountability: Limited independent oversight and delays in investigating custodial abuses reduce deterrence.

5. Socioeconomic Marginalisation: A disproportionate share of prisoners are poor and lack access to legal aid, which compounds detention length and post-release harm.

IMPACT AND CONSEQUENCES

- Individual Harm: Physical injury, trauma, disease, mental-health decline, and wrongful or prolonged deprivation of liberty.
- Public Health Risks: Overcrowding and poor sanitation increase risk of communicable diseases (e.g., tuberculosis).
- Rule-of-Law Erosion: Persistent custodial abuses undermine public trust in law-enforcement institutions and the justice system.
- Intergenerational social harm occurs when the families of prisoners, who are often already economically vulnerable, experience loss of income, social stigma, and long-term instability that affects their overall well-being and opportunities for future generations.

REFORMS, BEST PRACTICES AND RECOMMENDATIONS

Short- to Medium-term (Administrative and Judicial)

1. Reduce Undertrial Population: Accelerate trials, enforce bail-release where appropriate, expand legal aid and fast-track courts for petty offences. (Evidence links undertrial reduction to decongestion.)
2. Implement DK Basu Safeguards Fully: Strengthen adherence to the Supreme Court's arrest and custodial-preservation rulings, with routine audits.
3. Independent Oversight: Empower and resource prison oversight bodies (NHRC/state commissions) and enable civil-society monitoring with transparent reporting.

Medical Capacity Boost: Mandate medical panels, regular health screenings, psychiatric support and quicker referral mechanisms to external hospitals.

Long-term (Policy & Structural)

1. Infrastructure & Staffing Investment: Allocate funds to upgrade facilities, ensure minimum space per prisoner and hire/ train medical and mental-health staff.
2. Rehabilitation and Alternatives to Incarceration: Expand community-based corrections, probation, diversion for minor offences, and vocational training to lower recidivism.
3. Training & Culture Change: Embed human-rights curricula and regular training for prison and police staff, and disciplinary accountability for abuse.
4. Data Transparency: Regularly publish prison statistics (occupancy, mortality, healthcare provision, undertrial percentages) in machine-readable formats for public scrutiny.

CONCLUSION

An inhumane treatment of prisoners in India is the result of a number of factors, including structural flaws (such as overcrowding and inadequate funding), procedural delays (such as a backlog of pending cases), cultural deficiencies (such as a mindset that is associated with incarceration), and implementation errors (such as inadequate oversight). These factors all contribute to the inhumane treatment of prisoners in India. Despite the fact that the constitutional and legislative framework offers a strong basis for reform, coordinated action is necessary in order to bring about significant reforms. This involves minimizing the amount of time that persons are held in detention prior to their trial, improving the amount of healthcare and oversight that is provided, investing in infrastructure and training, and investigating alternatives to arresting individuals. Restoring the dignity of inmates, improving public safety, and furthering India's constitutional goal of giving humane treatment to all can be accomplished by the implementation of reforms that are supported by evidence. These goals cannot be achieved without the implementation of changes.

REFERENCES

1. NHRC, Annual Report and thematic materials on prisons.
2. Human Rights Watch, Prison Conditions in India (report).
3. Amnesty International, Country Reports and thematic notes on custodial rights.
4. United States Department of State, Country Reports on Human Rights Practices: India.
5. Supreme Court of India, Sunil Batra v. Delhi Administration (1978/1979).
6. Supreme Court of India, D.K. Basu v. State of West Bengal (1996/1997) – custodial guidelines.
7. Academic analyses and journal articles on prison conditions and reform in India.

