

RIGHT TO LIFE AND DIGNITY OF PRISONERS UNDER ARTICLE 21 OF THE INDIAN CONSTITUTION

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ABSTRACT

This paper delves into the constitutional right to life and dignity of prisoners under Article 21 of the Indian Constitution. Despite incarceration, individuals retain basic human rights, especially the right to life with dignity. The Indian judiciary has played a pivotal role in expanding the scope of Article 21 to protect prisoners from inhumane treatment, custodial violence, and denial of medical care.

This study analyzes landmark Supreme Court rulings, legislative frameworks, international human rights instruments, and the status of prison reforms. It concludes with actionable suggestions to strengthen prisoner rights in India and uphold constitutional morality in carceral settings.

Keywords: Article 21, prisoners' rights, human dignity, custodial violence, constitutional safeguards, Indian Constitution

I. INTRODUCTION

1. Constitutional Framework and Relevance

The Indian Constitution guarantees certain fundamental rights that are inalienable even to those who are incarcerated. Among these, Article 21 stands as a sentinel guarding the right to life and personal liberty of every individual, including prisoners. Article 21 reads: "No person shall be deprived of his life or personal liberty except according to procedure established by law." The interpretation of this Article has evolved from a procedural formality to a substantive right that encompasses the right to live with dignity, humane treatment, access to medical care, and legal representation. The scope of Article 21 has been significantly expanded through judicial activism, especially post the landmark judgment in *Maneka Gandhi v. Union of India*¹, where the court ruled that the "procedure established by law" must be fair, just, and reasonable, thus ushering in a new era of constitutional jurisprudence.

2. Objectives of the study:

- To evaluate judicial responses and landmark judgments on the dignity of prisoners.
- To identify prevailing issues in Indian prisons affecting prisoners' right to life.
- To suggest reforms aligned with constitutional and international standards.

II. HISTORY

1. Evolution of Prisoners' Rights in India

During the colonial era, prisoners were treated as state liabilities. Post-independence, the Indian judiciary began to redefine their status in line with constitutional values. The landmark *Maneka Gandhi* case laid the foundation for viewing incarceration not as a forfeiture of all rights but as a regulated deprivation of liberty, still protected under the Constitution¹.

2. Jurisprudential Justification

Three key theories support prisoner rights:

- Natural Law Theory: Rights are derived from inherent human dignity.
- Humanist Jurisprudence: Focus on humane treatment irrespective of incarceration.
- Rehabilitative Justice: Justice system should aim for reformation, not retribution.

III. FUNDAMENTAL RIGHTS OF PRISONERS UNDER ARTICLE 21

1. Right to Live with Human Dignity

In *Francis Coralie Mullin v. Administrator, Union Territory of Delhi*², the Court held that the right to life includes the right to live with human dignity, even inside prison.

2. Protection against Custodial Violence

Custodial deaths and torture violate the core of Article 21. In *D.K. Basu v. State of West Bengal*³, the Court laid down 11 crucial guidelines to prevent custodial abuse, making access to legal counsel and medical examination mandatory.

3. Right to Health and Medical Care

In *Paschim Banga Khet Mazdoor Samity v. State of West Bengal*⁴, the Supreme Court emphasized the State's responsibility to provide timely medical treatment. The same was reiterated in *Hussainara Khatoon v. State of Bihar*⁵ regarding speedy trials and humane detention.

IV. INTERNATIONAL HUMAN RIGHTS FRAMEWORKS

India is bound by various international obligations:

- Universal Declaration of Human Rights, 1948: Article 5 prohibits torture⁶.
- International Covenant on Civil and Political Rights, 1966: Article 10 guarantees dignity of detained persons⁷.
- UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules, 2015): Provides detailed norms for humane treatment⁸.

V. LEGISLATIVE FRAMEWORK IN INDIA

1. The Prisons Act, 1894

An outdated colonial legislation, focusing more on discipline than rights. It lacks clear provisions for health, education, and rehabilitation⁹.

2. Model Prison Manual, 2016

Although progressive on paper — emphasizing dignity, reformation, and rehabilitation — its implementation across states remains uneven¹⁰.

3. Code of Criminal Procedure, 1973

Sections 41–60 protect rights during arrest, including legal counsel and medical examination.

VI. JUDICIAL ACTIVISM AND PRISON REFORMS

1. Sunil Batra v. Delhi Administration¹¹

The Court ruled against solitary confinement and emphasized that prisoners do not lose fundamental rights upon incarceration.

2. Sheela Barse v. State of Maharashtra¹²

The Supreme Court ordered better treatment for women and mentally ill prisoners.

3. Inhuman Conditions in 1382 Prisons Case (2016)

The Court took suo motu action based on NHRC reports to reduce overcrowding and improve prison conditions¹³.

VII. CHALLENGES IN IMPLEMENTATION

1. Overcrowding

As per NCRB 2022 data, prisons in India operate at 130% capacity¹⁴.

2. Undertrial Prisoners

Over 77% of the prison population are undertrials, often detained for petty offenses due to inability to access bail or legal aid¹⁴.

3. Custodial Deaths

India recorded over 210 custodial deaths in 2022 alone, often due to torture and neglect¹⁵.

4. Lack of Monitoring

Oversight bodies, like the Board of Visitors, are largely defunct in many states.

VIII. COMPARATIVE STUDY

1. United States

Despite strong constitutional safeguards, the U.S. struggles with overcrowding and racial disparities. Class action suits provide some redress.

2. United Kingdom

The Human Rights Act, 1998 and Prison Ombudsman provide regular oversight and ensure access to healthcare and privacy rights.

3. Norway and Sweden (Scandinavian Model)

Emphasis is on rehabilitation, with open prisons, humane treatment, and very low recidivism rates.

IX. SUGGESTIONS AND REFORMS

- Amend the Prisons Act, 1894 to align with constitutional and human rights standards.
- Strengthen Legal Aid: Ensure access to lawyers at every stage of incarceration.
- Build Infrastructure: Construct new facilities and improve healthcare, sanitation, and vocational training.
- Independent Monitoring: Empower NHRC and State Commissions to regularly audit prisons.
- Implement Nelson Mandela Rules: Fully integrate these into domestic prison policies.
- Use Technology: Promote e-visits, telemedicine, and digital grievance mechanisms.

X. CONCLUSION

The right to life under Article 21 is not limited to mere survival; it implies a dignified existence, even behind bars. The Indian judiciary has expanded its interpretation to include humane treatment, health, and legal aid. Yet, systemic lapses continue. For India to uphold constitutional morality, prisons must evolve from centers of punishment to institutions of reformation and dignity.

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