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Introduction

Welcome to the Indian Journal of Legal Affairs and Research (IJLAR), a distinguished platform dedicated to the dissemination of comprehensive legal scholarship and academic research. Our mission is to foster an environment where legal professionals, academics, and students can collaborate and contribute to the evolving discourse in the field of law. We strive to publish high-quality, peer-reviewed articles that provide insightful analysis, innovative perspectives, and practical solutions to contemporary legal challenges. The IJAR is committed to advancing legal knowledge and practice by bridging the gap between theory and practice.

IJAR

Preface

The Indian Journal of Legal Affairs and Research is a testament to our unwavering commitment to excellence in legal scholarship. This volume presents a curated selection of articles that reflect the diverse and dynamic nature of legal studies today. Our contributors, ranging from esteemed legal scholars to emerging academics, bring forward a rich tapestry of insights that address critical legal issues and offer novel contributions to the field. We are grateful to our editorial board, reviewers, and authors for their dedication and hard work, which have made this publication possible. It is our hope that this journal will serve as a valuable resource for researchers, practitioners, and policymakers, and will inspire further inquiry and debate within the legal community.

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Description

The Indian Journal of Legal Affairs and Research is an academic journal that publishes peer-reviewed articles on a wide range of legal topics. Each issue is designed to provide a platform for legal scholars, practitioners, and students to share their research findings, theoretical explorations, and practical insights. Our journal covers various branches of law, including but not limited to constitutional law, international law, criminal law, commercial law, human rights, and environmental law. We are dedicated to ensuring that the articles published in our journal adhere to the highest standards of academic rigor and contribute meaningfully to the understanding and development of legal theories and practices.

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BEHIND BARS, NOT BEYOND RIGHTS: PRISONERS AND ARTICLE 21

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INTRODUCTION

Prisons in India are often viewed merely as an instrument of punishment where most of the times the individuals not only lose their liberty but also their dignity and basic human rights. However, in a constitutional democracy like India, imprisonment does not automatically strip an individual's fundamental rights guaranteed by the constitution. Article 21 of the Constitution of India gives the prisoners their basic rights, Article 21 says that "No person shall be deprived of his life or personal liberty except according to procedure established by law." This Article has been interpreted by the judiciary in an expansive manner to include the rights and dignity of prisoners as well. Over the years the Supreme Court of India has played an appreciating role in recognizing the prisoners as human beings and entitling them with the protection against torture, inhuman treatment, arbitrary detention and custodial violence.

This Blog examines the evolution of prisoner's right under Article 21, the role of judiciary through landmark case laws and the continuing challenge faced within the Indian prison system.

RIGHTS UNDER ARTICLE 21

Article 21 of the Constitution of India initially had a narrow interpretation. In the case of *A.K. Gopalan vs The State Of Madras (1950)*, the Supreme Court rejected the incorporation of "due process of law" standards, meaning if a state legally followed a procedure enacted by the parliament, it met the requirement of Article 21. Making the Article need not to meet the principles of natural justice, fairness or reasonableness. But in the landmark case of *Maneka Gandhi vs Union Of India (1978)*, the Supreme Court vastly expanded the scope of Article 21 establishing that any legal proceeding affecting a citizen's fundamental right must be of fair, just, and reasonable standards.

This expanded scope of the Article applies to the prisoners too. The conviction of a prisoner does not render him in-human, unlike any other citizen, a convicted prisoner too enjoys the rights under Article 21.

These rights include :

- Right to dignity
- Right against custodial torture
- Right to legal aid
- Right to speedy trial
- Right against arbitrary handcuffing

These rights bridges the gap between punishment and humanity. While imprisonment serves as a deterrent, the law ensures that the state cannot cross into tyranny. The evolution of Article 21 ensures that justice in India aims for reformation, not just retribution.

LANDMARK JUDICIAL DECISIONS

The Indian Judiciary has interpreted Article 21 to enforce several specific rights of prisoners. In the case of *Sunil Batra vs. Delhi Administration* (1978), the court famously declared that “convicts are not denuded of fundamental rights.” The court held that use of any means of torture inside a prison is a violation of Article 21 and restricted the use of solitary confinement and bar fetters.

While in the case of *Francis Coralie Mullin v. Administrator, Union Territory of Delhi* (1981), the court stated that “an individual while in custody cannot be restricted to mere animal existence” and is entitled with the right to live with human dignity. In the same case the court also ruled that a detainee has a right to consult a legal practitioner of their choice and is also entitled to meet family and friends for mental well being and rehabilitation.

In *Nilabati Behera v. State of Orissa*_(1993) and *Saheli vs. Commissioner of Police*_(1990), the court held that the state has a strict duty of care over individuals in its custody and the burden of proof falls on the state to explain any death occurring in custody. The court rejected the doctrine

of sovereign immunity and clarified that a state is strictly liable for a custodial death and in case of a custodial death the state should award monetary compensation to the representatives of victim.

In the cases of *Hussainara Khatoon vs. State of Bihar* (1979) and *D.K. Basu vs. State of West Bengal* (1996), the courts explicitly laid down the mandatory guidelines for officials to follow during arrest and detention of individuals. The courts also gave a relief to undertrial prisoners by stating that speedy trials and free legal aid are an integral part of “Right to life and personal liberty” under Article 21.

Hence, the Judiciary has played a crucial role in expanding the scope of Article 21 to protect the prisoners from arbitrary and inhuman treatment. The Indian courts, through various landmark judgments, have reaffirmed that imprisonment does not deprive a individual of basic human dignity and fundamental rights.

NEED FOR PRISON REFORMS

"It is better 100 guilty Persons should escape than that one innocent Person should suffer", the following concept is known as Blackstone's Ratio. In India it serves as a foundational principle of modern criminal justice, emphasizing that the protection of the innocent is paramount.

The prisoners in India faces sever challenges including chronic overcrowding, a disproportionate number of under trail inmates, poor sanitation and instances of human rights violation. According to the data of *National Crime Records Bureau*, Indian jails operate at 131.4% of their total capacity whereas states like Uttar Pradesh, Maharastra, Uttrakhand, Madhya Pradesh and Meghalaya operates at 150% of their jail capacity with Delhi prisons operating at double their intended capacity at 200%. These overcrowding in prisons directly stains sanitation, healthcare and infrastructure.

The data from *Data For India* shows that, 73% of inmates are undertrial awaiting a final verdict and over 9000 individuals have spent more than five years in jail without ever been convicted, many of them remain imprisoned because they cannot afford bail.

And according to *Indian Justice Report*, large states like West Bengal, Uttar Pradesh and Haryana regularly see over 1000 inmates assigned to a single doctor with 43% of the designated healthcare positions in jails remains vacant and 44% vacancies in rehabilitation roles like welfare officers, psychologists and social workers.

CONCLUSION

In conclusion, the expansion of Article 21 has significantly given the prisoners certain non deniable rights and strengthened the prison justice in India. The judiciary has also consistently expanded the interpretation of the Article 21 to ensure that prisoners do not lose their fundamental rights upon been alleged with an offence and should be treated with dignity and humanity. However, issues such as overcrowding prisons, custodial deaths and delayed trails continues to challenge the basic rights of the inmates. Therefore, meaningful prison reforms and effective implementation of constitutional safeguards are essential to ensure a more humane and criminal justice system.

