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**RIGHTS OF THE INCARCERATED WITH REFERENCE TO THE
CONSTITUTIONAL FRAMEWORK OF INDIA: A STUDY**

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Keywords

*Prisoners' Rights,
Reformative Approach,
Human Rights, Access
To Justice.*

Abstract

This paper undertakes a comprehensive analytical study of the rights of prisoners within the framework of the Constitution of India, emphasising the continuing relevance of human dignity even in conditions of incarceration. It is premised on the fundamental proposition that imprisonment results in the curtailment of liberty but not the extinction of basic human rights. The study traces the philosophical foundations of prisoners' rights from natural law theories to their incorporation in modern constitutional jurisprudence, while also examining the evolution of prison reforms in India from punitive to reformative models.

The research critically analyses the interplay between international human rights instruments such as the UN Charter, the Universal Declaration of Human Rights, and the ICCPR and domestic legal frameworks, including the Prisons Act, 1894, and other legislative measures governing custodial institutions. It further explores the role of judicial activism in expanding the scope of prisoners' rights under Articles 14, 19, and 21 of the Constitution, highlighting landmark as well as recent case laws (2024–2026) that address issues like custodial violence, overcrowding, discrimination, legal aid, and



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	<p>the rights of vulnerable groups.</p> <p>The paper underscores the importance of recognising prisoners as rights-bearing individuals entitled to equality, dignity, and access to justice. It argues that the effectiveness of a democratic legal system is reflected in its treatment of the most marginalised, including those in custody. By identifying gaps in implementation and suggesting a rights-based, reformative approach to prison administration, the study contributes to the broader discourse on human rights, criminal justice reform, and constitutional governance in India.</p>
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Introduction:

The concept of human rights is not a new phenomenon; it has been evolving for ages. The theory of human rights can be established in the concept of 'natural rights' that was propounded by political theorist John Locke, who advocated that certain rights are "natural" to individuals as human beings, having existed even in the State of nature before the growth of societies and emergence of the State. A prisoner, when being imprisoned, does not lose all their rights. They lose only a capacity for righteousness, which is the indispensable consequence of the confinement, and the rest of the rights are preserved. The term prisoner refers to a person who is kept in jail or prison under custody because he or she has committed an act that is prohibited by the law of the land. According to the Model Prison Manual¹ a prisoner is confined in a prison under the order of the competent authority. The terms convict and undertrials are both referred to as prisoners in India. Article 14 of the Indian Constitution guarantees equality before the law and equal protection of law within the territory of India. Since the prisoners are also human beings, they are entitled to all rights which are generally applicable to non-prisoners under exceptions established by law. The Supreme Court of India has recognised the fact that the prisoners are entitled to basic human rights in India. The Supreme Court has held that “there could be several factors that lead a prisoner to commit a crime, but a prisoner is required to be treated as a human being entitled to all the basic human rights, human dignity and human sympathy”²

Legal Rights of Prisoners under International Human Rights Law

International Human rights laws protect people from racial discrimination, torture and enforced disappearances.³ Some of the treaties of international human rights law are complemented by optional protocols, which address specific rights of prisoners.

¹ Model Prison Manual, 2016

² SC Order in Re- Inhuman Conditions in 1382 Prisons dated 5th February 2016. W.P.(C) No.406 of 2013

³ S.R. Myneni, *Prison Administration 1949* (New Era Law Publication, Haryana, 3rd edn,2024).



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UN Charter: The Charter of the United Nations was signed on 26th June 1945 and came into force on October 24, 1945. The General Assembly of the United Nations adopted certain basic principles for the Treatment of Prisoners, which are as follows- Prisoners shall be treated with inherent human dignity, there shall not be any discrimination on the grounds of race, sex, colour, language, religion, political opinion, nationality, social origin, property, birth or other status. Respect the religious beliefs and cultural practices of the group to which the prisoners belong, the responsibility of the prisons for the well-being and custody of the prisoners. The prisoners shall have the human rights and the fundamental freedoms that are set out in the United Nations covenants, educational and other rights of the prisoners for the full development of human personality, abolition of solitary confinement or restriction on its use. There shall be meaningful remunerated employment for the prisoners for their own financial support. They should have access to free health services without discrimination. Favourable conditions shall be created for the reintegration of the ex-prisoners into society.

Universal Declaration of Human Rights The Universal Declaration of Human Rights, adopted by the General Assembly of the United Nations in 1948, provides some basic principles of administration of justice, which are as follows—No one should be subjected to torture or to cruel, inhuman or degrading treatment or punishment⁴. Everyone has the right to life, liberty and security of person⁵. No one shall be subjected to arbitrary arrest, detention or exile⁶. Every person charged with an offence has the right to be presumed innocent until proven guilty according to law⁷.

The International Covenants on Civil and Political Rights, 1966

The following relevant provisions of the ICCPR remain the core instrumental treaty on the protection of the rights of prisoners-

- There shall not be any cruel, inhuman or degrading treatment or punishment of prisoners⁸.
- There shall not be any arbitrary arrest or detention of prisoners⁹.
- Every person deprived of their liberty under law shall be treated with human dignity¹⁰.

⁴ Universal Declaration of Human Rights 1948, Article, 1 “No one should be subjected to torture or to cruel, inhuman or degrading treatment or punishment”

⁵ Id., Article 9 “Everyone has the right to liberty and security of person. No one shall be subject to arbitrary arrest or detention”

⁶ Id., Article 9 “No one shall be subjected to arbitrary arrest, detention or exile”

⁷ Id., Article 11 “ Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence”

⁸ The International Covenants on Civil and Political Rights,1966, Article 7” No one should be subjected to torture or to cruel, inhuman or degrading treatment or punishment”

⁹ Id., Article 9 “Everyone has the right to liberty and security of person. No one shall be subject to arbitrary arrest or detention”



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- There shall not be any imprisonment for failing to perform a contractual obligation¹¹.

Standard Minimum Rules for the Treatment of Prisoners¹²

The United Nations General Assembly adopted the United Nations Minimum Rules for the treatment of Prisoners on 17 December 2015 after a five-year revision process. They are also known as Mandela Rules in honour of the former South African President, Nelson Mandela. Some relevant principles are as follows:

- There shall be no discrimination on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
- Men and women so far may be detained in separate institutions.
- There shall not be any degrading, inhuman treatment of the prisoners.
- At least one medical officer shall be made available to prisoners.

Convention Against Torture and other cruel, Inhuman or degrading Treatment or Punishment¹³

The United Nations General Assembly adopted another convention on 10th December 1984 (resolution 39/4), which came into force on 26th June 1987, and comprises some important principles on the rights of prisoners as follows:

- State party has to take effective legislative, judicial and other measures to prevent acts of torture.
- No state party shall expel, return, or extradite a person who is in danger of being subjected to torture.
- The State party should ensure that all acts of torture are offences under its criminal law.

Historical Background:

The history of prisoners' rights can be traced back to the Anglo-American penal reforms, bringing about changes within the custodial system. The Constitution of India expressly does not define the rights of prisoners. However, in the case of *T.V. Vatheeswaran v. State of Tamil Nadu*¹⁴ It stated that Articles 14, 19 and 21 guarantee the right to life to prisoners just as free men.

¹⁰ Id., Article 10 “ All persons deprived of their liberty shall be treated with humanity and with respect for inherent dignity of the human person”

¹¹ Id., Article 11 “ No one shall be imprisoned merely on the ground of inability to fulfil a contractual obligation”

¹² United Nations Standard minimum Rules for the Treatment of Prisoners (The Mandela Rules). United nations General Assembly.2015.Retrieved 21 December 2019.

¹³ UN Resolution 39/46 of 10th December. 1984

¹⁴ AIR1983 SC361



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In ancient times in India, there were no rights of the prisoners, as they were treated inhumanly as no attention was given to the prisoners in the criminal justice system. Gradually, with the development of society at large, the social environmentalist has helped to structure the penal institutions, helping everyone to understand the system of prison and its evolution. After independence, the conditions of prison changed from barbaric to rehabilitation and reformation methods.

As regards India, there has been less discussion about prison reforms, and the rights of prisoners are not entirely acknowledged. In a modern democracy, though prisons have been considered as reformative care-giving institutions, in reality, prisons lack basic needs, food, medical treatment, and cleanliness. Society's understanding of the concept of prison is limited to the fear of controlling crime and avoiding disturbance within the system. According to the Model Prison Manual 2016, India is of the view that a sentence of imprisonment is only justifiable when it ultimately leads to the protection of society. It could be achieved only when an offender, after his release, is motivated enough to ensure a law-abiding and self-supporting life. From the barbaric concept of prison, India has developed a rehabilitation form of prison.

The Mulla Committee report¹⁵, recognised the rights of prisoners, stating that just like other citizens of the country, they also have the right to dignity, basic minimum needs, communication, access to law, etc. Inclusion of the subject matter of prisons and institutions in the Concurrent List, 7th Schedule to the Constitution of India, was an enactment to ensure uniform legislation, including modern principles regarding the reformation and rehabilitation of offenders.

LEGISLATIVE MANDATES ON PRISONERS RIGHTS

The Prison Act of 1894

The Prisons Act, 1894, is the first legislation which is regarding prison regulation in India. The provisions of this Act deal with the welfare and protection of prisoners. It is pertinent to mention here that the rights under the Prisons Act are provided for both convicted and under-trial prisoners.

- 1) Right to accommodation for prisoners (Section-4). The prisoners have the right to be provided with accommodation constructed and maintained under the provisions of the Act of 1894. The model prison manual (2016) also mentions that living conditions in every prison shall be compatible with Human dignity in all aspects, such as accommodation, hygiene, sanitation, food, clothing, medical facilities etc.
- 2) Right to shelter and safe custody of an excess number of prisoners (Section-7). If the number of prisoners in any prison is more than required and it is not convenient to transfer the excess number to some other prison, then shelter and safe custody should be provided in prisons to the prisoners. It is also relevant to mention here that if there is any outbreak of epidemic

¹⁵ Government of India, Report of the All India Committee on Jail Reform (1980-1983)



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disease within any prison, prisoners should be provided with temporary shelter and safe custody.

- 3) Examination of prisoners by a qualified Medical Officer (Section 24 and 26). Section 24(2), every prisoner shall be examined by the medical officer, and he shall enter in a book, to be kept by the jailer a record of the state of the prisoner's health and wounds or marks on his person and class of labour he is fit for it sentenced to rigorous imprisonment and any observations which the medical officer may think fit. Section 24(3), every female prisoner shall have the right to examined by a lady matron under the special or general orders of Medical Officer. The provisions of (Section-26) imposes obligation upon the medical officer or the Jail authority. Section 26(2), no prisoner shall be removed from one prison to another unless the medical officer certifies the prisoner in free from any illness rendering him unfit for removal. Section 26(3), no prisoner shall be discharge against his will from prison, until in the opinion of the medical officer such discharge is safe.
- 4) Solitary Confinement (Section-29). No cell shall be used for solitary confinement unless it is furnished with the means of enabling the prisoner to communicate at any time with an officer of the prison and every prison so confined in a cell for more than twenty-four hours, whether as a punishment or otherwise shall be visited at least once a day by medical officer or medical subordinate.
- 5) Sick prisoners (Section-37). The sick prisoners or who are appearing to be out of health in the mind or body who desire to see the medical subordinate shall without delay, be reported by the officer in immediate charge of such prisoners to the jailer. The jailer shall without delay call the attention of the medical subordinate to any prisoner desiring to see him or who is ill or whose state of mind or body appears to require attention and shall carry into effect all written directions given by the medical officer or medical subordinate respecting altercation of the discipline or treatment of any such prisoner.

Now, the position is that the Prison Act of 1894 is the only national-level document presently governing prisons and prisoners. The State government has their own prison legislation and manuals, which administer the prison and the prisoners. The Prisons Act provides the following provisions for the reformation of the prisoners in one way or another—

- Accommodation and sanitary conditions for the prisoners.¹⁶
- Right to shelter and safe custody of the excess number of prisoners who cannot be safely kept in any prison.¹⁷
- Provisions relating to the mental and physical state of prisoners.¹⁸

¹⁶ The Prisoners Act, 1894, Section4

¹⁷ Id.,Section 7



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- Provisions relating to the examination of prisoners by a medical practitioner.¹⁹
- Female prisoners have the right to be examined by a lady matron under the special or general orders.²⁰
- Provisions relating to treatment of undertrials, civil prisoners, parole and temporary release of prisoners.²¹

The Prisoners Act, 1990 The following Provisions of the above-mentioned Act are relevant for the reformation of prisoners—

- Provision for a reformatory school for the prisoners.²²
- Provision for the proper treatment of the unsound mind prisoner.²³
- That any court which is a High Court may, in a case in which it has recommended to the government the granting of a free pardon to any prisoner, permit him to be at liberty at his own cognisance.²⁴

The Transfer of Prisoners Act, 1950

This Act was enacted for the purpose of introducing a mechanism related to the transfer of prisoners from one state to another in terms of their rehabilitation or vocational training.

The Prisoners (Attendance in Courts) Act, 1955

The Act includes the provisions authorising the removal of prisoners in a civil or criminal court to present evidence or respond to the accusation of a crime.

Thus, apart from the various laws, the government of India have appointed a national level committee (1968-1987) under the leadership of Justice V.R. Krishna Iyer to examine the conditions of the women prisoners. The committee made various important recommendations related to the rehabilitation and reformation of women.

ALL INDIA COMMITTEE ON JAIL REFORMS- MULLA COMMITTEE

- **Right to Human Dignity:** Right to be treated as a human being. The Supreme Court of India also, in its judgments, declared that no person shall be treated as a non-person.
- **Right to the integrity of the body,** i.e. immunity from use of repression and personal abuse either by custodial staff or by other prisoners.

¹⁸ Id.,Section 14

¹⁹ Id.,Section 24(2)

²⁰ Id.,Section 24(3)

²¹ Id., Section 31 & 35

²² The Prisoners Act, 1990, Section 28

²³ Id.,Section 30

²⁴ Id.,Section 33



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- Right to integrity of mind, i.e. immunity from aggression, whether perpetuated by the staff or fellow prisoners.
- The prisoner also has one incidental right while he is in custody that he shall not be deprived of all fundamental rights as provided by the Constitution of India.
- Right to basic Minimum-Needs: Every prisoner has the right to get basic human needs such as adequate diet, health, medical care and treatment, access to clean and adequate drinking water, access to clean and hygienic living accommodations, sanitation and personal hygiene, adequate clothing, bedding and other equipment.
- Right to communication: Right to communication with the outside world.
- Right to periodic interviews, right to receive information about the outside world through communication media.
- Right to access to law: Right to effective access to information and all legal provisions regulating conditions of detention.
- Right to consult or to be defended by a legal practitioner of the prisoner's choice.
- Right to access to agencies, such as state legal aid boards or similar organisations providing legal services.
- Right to be informed about the legal right to appeal, revision or review either in respect of conviction or sentence.
- Right to receive all court documents necessary for preferring an appeal, revision or review of sentence or conviction.
- Right to effective presentation of individual complaints during confinement in prison to the appropriate authorities.

CONSTITUTIONAL PROVISIONS RELATING TO THE RIGHTS OF PRISONERS IN INDIA

The Constitution of India does not specifically provide a separate provision for prison or prisoners' rights, but Part III of the Indian Constitution indirectly guarantees the right of prisoners to be treated as human beings. Article 14 of the Indian Constitution²⁵ is articulated in such a manner that right is to be treated alike and provided a reasonable classification perspective. Both these expressions were used in the UDHR 1948, which provides certain freedoms to prisoners, such as freedom of speech and expression, and freedom to become a member of any association. In the case of *State of A.P. V. Challa Ramkrishna Reddy*, it was held that a prisoner is entitled to all his/her fundamental rights unless his/her liberty has been constitutionally curtailed. A prisoner, whether a convict, under trial or detainee, does not cease to be a human being and, while lodged in jail, he /she enjoys all his/her fundamental rights guaranteed by the Constitution of India, including the right to life. In *Charles*

²⁵ "The state shall not deny any person equality before law or the equal protection of law within the territory of India"



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*Sobaraj v. Supdt Central Jail Tihar*²⁶, The Hon'ble Supreme Court held that imprisonment of an individual does not deprive him of the fundamental rights guaranteed by the Constitution

1. Right to Legal Aid

Through the 42nd Amendment Act, 1976, free legal aid was introduced as one of the directive principles of state policy under Article 39A. In *Madhav Hayawadan Rao Hosket v. the State of Maharashtra*, the Supreme Court stated that the government is obliged to offer assistance to the accused under Article 21 and 39-A in association with Article 142 and 304 of Cr.PC.

Even though Article 39A is not enforceable by courts yet it is a direct reference to an article of the Constitution. It states that the government has an obligation towards its citizens that no unjust actions take place because of the non-availability of legal advice.

2. Right to a speedy trial

In *A.R. Antulay v. R.S. Nayak*, the court observed some recommendations that would ensure no violation of the human rights of prisoners. It stated that the right of speedy trial, divulging out of Article 21 of the Constitution, makes it applicable to charges at any stage, such as request, trial, examination, modification, etc. Initially, the right to speedy trial was first discussed in the landmark document of English law, the Magna Carta. Right to a speedy trial is an abstract idea that deals with the disposal of cases along with justice. In the leading landmark case *Hussainara Khatoon V. Home Secretary, State of Bihar*, it was held that the speedy trial of an accused is his fundamental right under Article 21. If any person is denied the right to a speedy trial, he can directly go to the Supreme Court under Article 32 for enforcing such rights.

3. Rights against inhuman treatment of prisoners

India, being a signatory to the Universal Declaration of Human Rights, 1948, should abide by the document called the Human Rights Declaration. This document states the basic principles of administration of justice, such as:

- No individual should be subjected to cruel, inhuman, degrading treatment or punishment.
- Everyone possesses the right to life, liberty of the person.
- There should not exist arbitrary arrest or detention.
- In the case of a penal offence, every person has a right to be presumed innocent until proved guilty.

In *Raghubir Singh vs. the State of Bihar*, the court expressed its outrage over police torture by punishing a cop who had been held responsible for the death of a suspect while in the police

²⁶ AIR 1987 SC1514



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lock-up. Through this, it can be stated that human rights are an important part of human dignity and disrespecting that would lead to intervention by the court.

4. Right against Solitary Confinement-

“Solitary Confinement”, according to Black’s law dictionary, in general sense, means the separate confinement of a prisoner, with only occasional access of any other person, and that too only at the discretion of the jail authorities and in stricter sense, it means the complete isolation of a prisoners from all human society and his confinement in a cell is arranged that he has so no direct intercourse with or sight of no human being or no employment or instruction. In *Sunil Batra v Delhi Administration*, it was held that solitary confinement could be imposed only in exceptional cases where a convict was of such a dangerous character that he must be segregated from other prisoners. Solitary confinement has a degrading and dehumanising effect on prisoners. Constant and unrelieved isolation of prisoners represents the most destructive abnormal environment. The results of long solitary confinement are disastrous to the physical and mental health of those who are subjected to it.

5. Right to Bail-

In *Babu Singh v State of UP*, the Supreme Court held that refusal to grant bail to an accused person without reasonable grounds would amount to a deprivation of his personal liberty under Article 21. The Court held that the right to bail was included in the personal liberty under Article 21, and its refusal would be a deprivation of that liberty which could be authorised in accordance with the procedure established by law.

6. Right against custodial violence

In *Sheela Barse v State of Maharashtra*, the Supreme Court took a serious note of violence committed on women prisoners confined in the police lock-up in the city of Bombay. The Court emphasized on the importance of legal assistance to an indigent accused who was arrested and put into jeopardy of his life or personal liberty. Highlighting the need for setting up machinery for providing legal assistance to prisoners in jail, the court directed the Inspector General of Prisons, Maharashtra to issue a circular to all Superintendents of police in the state requiring them to provide facilities and information to the Legal Aid Committee so as to render legal assistance to the under trial prisoners.

7. Right to reasonable wages in prison

In the case of *Peoples Union for Democratic Rights v Union of India*, it was held that whenever during the imprisonment, the prisoners are made to work in the prison, they must be paid at a reasonable rate which should not be below minimum wages.

JUDICIAL APPROACH TO THE RIGHTS OF PRISONERS IN INDIA

1) *Joginder Kumar v. State*, [1994 (4) SCC 260]:



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In this case, it was held that “No arrest should be made without a reasonable satisfaction reached after some investigation about the genuineness of a complaint and a reasonable belief both as to the person’s complicity and even to the need to effect the arrest. Denying a person his liberty is a serious matter”.

2) *Neelabati Bahera v. State of Orissa*, [1993 (2) SCC 746]:

In this case held that “it is axiomatic that convicts, prisoners or under trials are not denuded of their fundamental rights under Article 21 and it is only such restrictions, as are permitted by law, which can be imposed on the enjoyment of the fundamental right by such persons. It is an obligation of the State to ensure that there is no infringement of the indefeasible rights of a citizen of life, except in accordance with law, while the citizen is in its custody. The precious right guaranteed by Article 21 of the Constitution of India cannot be denied to convicts, under trials or other prisoners in custody, except according to procedure established by law. There is a great responsibility on the police or prison authorities to ensure that the citizen in their custody is not deprived of their right to life. His liberty is in the very nature of things circumscribed by the very fact of his confinement, and therefore, his interest in the limited liberty left to him is rather precious.

3) *Charles Shobraj v. Superintendent, Tihar jail*, [AIR 1978 S.C. 1514]:

In this case, it was held that “except for the fact that the compulsion to live in a prison requires by its own force the lack of certain rights, like the right to move freely or to practice a profession of one’s choice, a prisoner is otherwise eligible to the basic freedoms guaranteed by the Constitution”.

4) *A.K. Gopalan v. Union of India*, [AIR 1950 SC 27]:

Supreme Court held that “the ambit of personal liberty by Article 21 of the Constitution is wide and complete. It includes both substantive rights to Personal Liberty and the procedure prescribed for their deprivation. Article 21 of the Constitution of India includes the concept of a speedy trial, which is offered under the right to life.

5) *Sheela Barse v. State of Maharashtra*, [AIR 1983 SC 378]:

It was held that “the legal assistance to a poor or accused, arrested and put in danger of his life or personal liberty, is a constitutional requirement not only by Article 39 A but also by Articles 14 and Article 21 of the Constitution of India”

6) *Smt. Selvi and Ors. v. State of Karnataka and Anr.*, [2010(7) SCC 263]:

It was held that “in our considered opinion, the compulsory administration of the impugned techniques violates the ‘right against self-incrimination’. This is the underlying rationale of the said right is to ensure the reliability as well as voluntariness of statements that are



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admitted as evidence. This Court has recognised that the protective scope of Article 20(3) extends to the investigative stage in criminal cases and when read with Section 161(2) of the Code of Criminal Procedure, 1973, it protects accused persons, suspects as well as witnesses who are examined during an investigation. The test results cannot be admitted in evidence if they have been obtained through the use of compulsion. Article 20(3) protects an individual's choice between speaking and remaining silent, irrespective of whether the subsequent testimony proves to be inculpatory or exculpatory. Article 20(3) aims to prevent the forcible conveyance of personal knowledge that is relevant to the facts in the issue. The results obtained from each of the impugned tests bear a 'testimonial' character, and they cannot be categorised as material evidence"

Recent judicial developments (2024–2026) on prisoners' rights in India reflect a significant shift toward a rights-based and reformatory approach. In *Sukanya Shantha v. Union of India*, the Supreme Court addressed the issue of caste-based discrimination within prisons and held that such practices violate Articles 14, 15, and 21 of the Constitution. The Court emphasised that equality does not cease at the prison gate and directed authorities to eliminate discriminatory practices embedded in prison administration. This judgment is important because it extends the principle of substantive equality into custodial spaces and recognises the need for dignity and non-discrimination for all prisoners.

In *Suhas Chakma v. Union of India*, the Court focused on overcrowding and the need for reformatory justice. It recognised the importance of open prisons as a mechanism for rehabilitation and held that such institutions are consistent with Article 21. The judgment reinforced the idea that imprisonment should not merely be punitive but must aim at reformation and reintegration of offenders into society. By promoting open correctional institutions, the Court also sought to address the chronic problem of overcrowding in Indian prisons.

The Supreme Court further expanded the scope of prisoner rights in *L. Muruganatham v. State of Tamil Nadu*, where it dealt with the rights of disabled prisoners. The Court held that denial of basic facilities and reasonable accommodation to disabled inmates violates their fundamental rights under Article 21. This decision marked a progressive step toward inclusive prison reforms, ensuring that vulnerable groups receive special protection and equal treatment within the prison system.

In 2026, the Supreme Court took serious note of delays in legal aid and appellate processes, recognising that such delays undermine access to justice. In the recent legal aid reform directions (2026), the Court held that timely legal assistance is an integral part of Article 21 and directed structural reforms to strengthen legal aid mechanisms. This development reinforces the principle that justice delayed for prisoners—especially undertrials—amounts to a denial of fundamental rights.

Similarly, in a 2026 case concerning prolonged undertrial detention, the Supreme Court observed that incarceration without a timely trial effectively becomes a form of punishment. The Court



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granted bail to an accused who had been in custody for an extended period without trial and reiterated that “bail is the rule and jail is the exception.” This decision strengthens the right to a speedy trial and protects individuals from arbitrary and prolonged detention.

Another important development in 2026 relates to prison overcrowding and governance. The Supreme Court issued directions for the expansion and proper functioning of open prisons, recognizing that overcrowded conditions violate human dignity under Article 21. The Court emphasized that improving prison infrastructure and adopting reformative measures are essential for ensuring humane conditions of detention.

Conclusion

The Indian Constitution does not expressly grant the rights of prisoners, but Articles 14, 19, and 21 ensure the rights of prisoners. The Prisons Act, 1894, provides for government aid and protection for detainees. It has been rightly acknowledged in favour of prisoners, giving them the status of any other individual and not depriving them of fundamental rights. The Supreme Court has often held that a prisoner does not invalidate from becoming a human. A conviction for misconduct does not transform the individual into a non-individual whose privileges rest on the discretion of the prison institution. Overall, the recent judgments demonstrate a clear trend in Indian jurisprudence toward expanding the scope of Article 21 to include dignity, equality, rehabilitation, and access to justice for prisoners. The judiciary has increasingly recognised that prisoners remain rights-bearing individuals and that the prison system must function in a manner consistent with constitutional values.

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