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PRISONS, RIGHTS, AND REFORM IN INDIA: CONSTITUTIONAL GOVERNANCE AND CUSTODIAL REALITY

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Abstract

Prisons are among the most revealing sites for assessing a State's commitment to human rights, as they involve the most direct exercise of power over individual liberty. In India, constitutional jurisprudence has consistently affirmed that prisoners remain rights-bearing individuals entitled to dignity, equality, and due process. Yet everyday custodial practices continue to be shaped by colonial legal frameworks, chronic overcrowding, and the routine use of prolonged undertrial detention. This article examines the Indian prison system through a human right oriented constitutional and empirical lens, focusing on the gap between normative commitments and lived custodial realities. Drawing on doctrinal analysis of constitutional provisions and judicial decisions, alongside empirical data published by the National Crime Records Bureau, the article argues that the crisis of Indian prisons is structural rather than episodic. Overcrowding is shown to be driven primarily by failures in pre-trial justice, while rehabilitation and reintegration remain marginal within prison governance. Although judicial intervention has played a crucial role in articulating prisoners' rights, the article demonstrates that adjudication alone has been insufficient to secure lasting reform in the absence of statutory change and institutional accountability. By situating incarceration as a core human rights concern, the article advances a rights-oriented framework for prison reform that seeks to align custodial practice with dignity, equality, and the rule of law.

Keywords

Prisoners' Rights; Undertrial Detention; Prison Overcrowding; Constitutional Law; Human Dignity; Prison Reform

Introduction

Prisons represent one of the most revealing sites at which the State's commitment to human dignity and the rule of law is tested. Deprivation of liberty places individuals in a position of acute vulnerability, making detention spaces central to the realisation or erosion of fundamental human rights¹. International human rights law recognises that incarceration does not suspend personhood; rather, it heightens the State's duty to ensure humane treatment, equality, and protection from abuse². Yet across many jurisdictions, prisons continue to function as closed institutions where legal guarantees struggle to translate into lived reality.

In India, this tension is particularly pronounced. The Constitution formally affirms equality before the law and the right to life with dignity, and expressly prohibits arbitrary detention and inhuman treatment³. Judicial interpretation has consistently reinforced that prisoners remain rights bearing individuals entitled to humane conditions, procedural fairness, and protection from violence⁴. Despite this robust normative framework, Indian prisons are characterised by chronic overcrowding, prolonged undertrial detention, inadequate healthcare, and weak accountability mechanisms⁵. These conditions raise persistent concerns about compliance with both constitutional standards and international human rights obligations.

A defining feature of India's custodial crisis is the dominance of pre-trial detention. Official data indicates that undertrial prisoners constitute a majority of the prison population, many of whom remain incarcerated for extended periods without adjudication of guilt⁶. For economically and socially marginalised individuals, imprisonment often reflects systemic barriers to bail, legal representation, and timely trial rather than criminal culpability⁷. As a result, incarceration frequently operates as punishment prior to conviction, undermining the presumption of innocence and deepening structural inequality.

¹ United Nations Office of the High Commissioner for Human Rights. (2012). *Human rights in the administration of justice*. United Nations.

² United Nations Human Rights Committee. (2014). *General Comment No. 35: Article 9 (Liberty and security of person)*. UN Doc. CCPR/C/GC/35.

³ Constitution of India, arts. 14, 21, 22.

⁴ Sunil Batra v. Delhi Administration, (1978) 4 SCC 494; Maneka Gandhi v. Union of India, (1978) 1 SCC 248.

⁵ National Human Rights Commission. (2016). *Advisory on prison reforms*. New Delhi: NHRC.

⁶ National Crime Records Bureau. (2022). *Prison Statistics India*. Ministry of Home Affairs.

⁷ Hussainara Khatoon (I) v. State of Bihar, (1980) 1 SCC 81.

International human rights standards, including the International Covenant on Civil and Political Rights and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), emphasise that detention must be lawful, necessary, proportionate, and compatible with dignity⁸. These instruments also stress that imprisonment should aim at rehabilitation and social reintegration, not mere containment⁹. However, the continued reliance on colonial-era legislation and punitive administrative practices in India has limited the institutionalisation of these principles within everyday prison governance¹⁰.

International human rights law provides a clear comparative lens through which India's custodial realities may be assessed. Article 10 of the International Covenant on Civil and Political Rights requires that all persons deprived of liberty be treated with humanity and respect for their inherent dignity, a standard the UN Human Rights Committee has interpreted as imposing positive structural obligations on States, irrespective of resource constraints¹¹. In its jurisprudence and concluding observations on States such as South Africa and Brazil, the Committee has repeatedly identified chronic overcrowding, prolonged pre-trial detention, and inadequate healthcare as systemic violations of Article 10 where they persist as routine features of detention systems¹². Parallel concerns have been articulated by the Committee against Torture, which has warned that sustained overcrowding and neglect in custodial settings may amount to cruel, inhuman, or degrading treatment when States fail to adopt alternatives to detention or ensure effective oversight¹³. These treaty-body interpretations are reinforced by the Nelson Mandela Rules, which affirm that the respect for prisoners' inherent dignity (Rule 1), the limited purpose of imprisonment (Rule 3), and minimum standards relating to accommodation, sanitation, healthcare, and living conditions (Rules 12-17) are non derogable benchmarks of lawful detention. Situating India's prison system within this international framework underscores that the gap between constitutional promise and custodial reality reflects not the absence of legal norms, but a shared global challenge of translating human dignity from principle into everyday institutional practice¹⁴.

⁸ International Covenant on Civil and Political Rights, 1966, arts. 7, 9, 10.

⁹ United Nations. (2015). *United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)*.

¹⁰ Law Commission of India. (1987). *42nd Report on the Indian Penal Code*. Government of India.

¹¹ International Covenant on Civil and Political Rights, 1966, art. 10.

¹² United Nations Human Rights Committee. (1992). *General Comment No. 21: Article 10 (Humane treatment of persons deprived of their liberty)*. UN Doc. HRI/GEN/1/Rev.9; United Nations Human Rights Committee. (2016). *Concluding observations on the second periodic report of South Africa*. UN Doc. CCPR/C/ZAF/CO/2.

¹³ United Nations Committee against Torture. (2017). *Concluding observations on the combined fourth and fifth periodic reports of Brazil*. UN Doc. CAT/C/BRA/CO/4-5.

¹⁴ *Ibid* (9)

This article examines the Indian prison system as a constitutional and human rights concern rather than a purely administrative domain. By situating domestic legal frameworks and judicial interventions within international human rights norms, it explores the gap between constitutional promise and custodial reality. The analysis seeks to understand why rights-based prison reform has remained uneven in practice and to assess the limits of legal and judicial strategies in transforming deeply entrenched custodial structures.

Research Methodology

This article uses a qualitative, human rights-oriented socio-legal approach to examine Indian prisons as spaces where the State's responsibility for dignity and humane treatment is most acutely tested. Drawing on international human rights law particularly the ICCPR, the Convention against Torture, and the Nelson Mandela Rules. It analyses constitutional provisions, prison laws, administrative frameworks, and key Supreme Court decisions to assess how rights commitments are translated into custodial practice. This doctrinal analysis is complemented by a critical reading of institutional data and oversight reports, which are used to highlight patterns of overcrowding, prolonged detention, healthcare access, and accountability. Together, these sources illuminate the gap between constitutional promise and custodial reality, and the limits of rights-based prison reform.

Prisons as Sites of Heightened State Responsibility

International human rights law conceptualises prisons as sites where State responsibility is both intensified and continuous. The deprivation of liberty places individuals in a position of acute vulnerability, rendering them wholly dependent on the State for their physical safety, health, and basic conditions of life¹⁵. This asymmetry of power transforms incarceration into a heightened test of governance: while liberty may be lawfully restricted, dignity may not. Detention therefore carries with it an enhanced duty of care, requiring States to ensure that imprisonment does not result in suffering, neglect, or degradation beyond the fact of confinement itself¹⁶.

This principle is anchored in Article 10 of the International Covenant on Civil and Political Rights, which mandates that all persons deprived of their liberty be treated with humanity and with respect for their inherent dignity¹⁷. The UN Human Rights Committee has consistently interpreted Article 10 as imposing positive and immediate obligations, applicable irrespective

¹⁵ United Nations Office of the High Commissioner for Human Rights, *Human Rights in the Administration of Justice* (United Nations, 2012).

¹⁶ International Covenant on Civil and Political Rights 1966, art. 10.

¹⁷ *Ibid* (16)

of resource constraints or domestic administrative challenges.¹⁸ Humane treatment under Article 10 extends beyond protection from overt abuse to encompass the material and institutional conditions of detention, including overcrowding, sanitation, access to healthcare, nutrition, and meaningful human contact¹⁹.

ICCPR jurisprudence further clarifies that systemic features of detention regimes may themselves constitute violations. The Human Rights Committee has repeatedly observed that prolonged pre-trial detention, chronic overcrowding, and inadequate medical care breach Article 10 when they become routine characteristics of a prison system rather than exceptional failures²⁰. Dignity, in this sense, is assessed cumulatively through the everyday experience of incarceration rather than only through isolated incidents of misconduct.

These normative commitments are operationalised through the United Nations Standard Minimum Rules for the Treatment of Prisoners, revised as the Nelson Mandela Rules. Rule 1 affirms respect for the inherent dignity and value of all prisoners, while Rule 3 clarifies that the sole purpose of imprisonment is the deprivation of liberty and that detention must not involve additional suffering²¹. Rules 12 to 17 translate these principles into concrete standards governing accommodation, hygiene, ventilation, lighting, healthcare, and personal well-being²².

UN treaty bodies have reinforced this position through their concluding observations. In reviews of States such as South Africa and Brazil, the Human Rights Committee and the Committee against Torture have expressed concern that persistent overcrowding, excessive reliance on pre-trial detention, and inadequate custodial healthcare reflect structural governance failures rather than isolated lapses²³. The Committee against Torture has further cautioned that where such conditions are prolonged and unaddressed, they may amount to cruel, inhuman, or degrading treatment under international law²⁴.

¹⁸ United Nations Human Rights Committee, *General Comment No. 21: Article 10 (Humane Treatment of Persons Deprived of Their Liberty)*, UN Doc. HRI/GEN/1/Rev.9 (1992).

¹⁹ Manfred Nowak, *U.N. Covenant on Civil and Political Rights: CCPR Commentary* (2nd edn, N.P. Engel, 2005).

²⁰ United Nations Human Rights Committee, *General Comment No. 35: Article 9 (Liberty and Security of Person)*, UN Doc. CCPR/C/GC/35 (2014).

²¹ United Nations, *United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)*, UN GA Res 70/175 (2015), Rules 1 and 3.

²² United Nations, *Nelson Mandela Rules* (2015), Rules 12–17.

²³ United Nations Human Rights Committee, *Concluding Observations on the Second Periodic Report of South Africa*, UN Doc. CCPR/C/ZAF/CO/2 (2016); United Nations Human Rights Committee, *Concluding Observations on the Fourth Periodic Report of Brazil*, UN Doc. CCPR/C/BRA/CO/4 (2015).

²⁴ United Nations Committee against Torture, *Concluding Observations on the Combined Fourth and Fifth Periodic Reports of Brazil*, UN Doc. CAT/C/BRA/CO/4-5 (2017).

This international framework resonates closely with Indian constitutional doctrine. Article 21 of the Constitution of India, as interpreted by the Supreme Court, guarantees the right to life with dignity even within prison walls²⁵. Judicial decisions have repeatedly affirmed that incarceration does not extinguish fundamental rights and that custodial conditions remain subject to constitutional scrutiny²⁶. Articles 14 and 22 further reinforce this protection by addressing structural inequality and procedural safeguards against arbitrary detention.

Despite this normative convergence between international human rights law and domestic constitutional jurisprudence, a persistent gap remains between legal principle and custodial reality. Overcrowding, prolonged pre-trial detention, and inadequate healthcare continue to characterise many prisons, revealing the limits of rights recognition in the absence of structural reform. Understanding prisons as sites of heightened State responsibility therefore shifts the analytical focus from individual misconduct to institutional design, policy choice, and accountability mechanisms an approach that frames prison reform as a question of implementation rather than legal articulation alone²⁷.

Constitutional and Legal Framework Governing Prisons in India: An ICCPR Articles 9 and 10 Lens

Indian constitutional law regulates incarceration through a framework that closely parallels the guarantees contained in Articles 9 and 10 of the International Covenant on Civil and Political Rights (ICCPR). While Article 9 addresses the legality, necessity, and proportionality of detention, Article 10 governs the conditions under which detention must occur, requiring humane treatment and respect for dignity. Read together, these provisions provide a coherent international standard against which domestic prison governance may be assessed²⁸.

Federal Allocation and Constitutional Control

Prisons fall within the State List under the Seventh Schedule of the Constitution, vesting primary responsibility for prison administration in State governments²⁹. This federal arrangement allows decentralised governance but has produced uneven custodial standards across jurisdictions. Importantly, the Supreme Court has clarified that State control does not displace constitutional or international obligations. Prison administration remains subject to fundamental rights and judicial review³⁰.

²⁵ Constitution of India 1950, art. 21; *Maneka Gandhi v Union of India* (1978) 1 SCC 248.

²⁶ *Sunil Batra v Delhi Administration* (1978) 4 SCC 494; *Hussainara Khatoon (I) v State of Bihar* (1980) 1 SCC 81.

²⁷ *Ibid* (26)

²⁸ International Covenant on Civil and Political Rights, 1966, arts. 9–10.

²⁹ Constitution of India 1950, Seventh Schedule, List II.

³⁰ *State of Gujarat v Hon'ble High Court of Gujarat* (1998) 7 SCC 392.

This position mirrors ICCPR Article 9(1), which places responsibility for lawful detention squarely on the State, regardless of internal administrative arrangements³¹. Decentralisation cannot therefore justify arbitrary detention or dilute accountability for rights violations. Indian constitutional doctrine thus aligns with the ICCPR's insistence that liberty restrictions must be grounded in law and subject to effective oversight.

Dignity and Humane Treatment under Article 21 and ICCPR Article 10

Article 21 of the Constitution has been judicially interpreted to guarantee the right to life with dignity, including humane treatment within prisons³². In *Maneka Gandhi v. Union of India*, the Supreme Court held that any deprivation of liberty must be just, fair, and reasonable, a standard that resonates strongly with ICCPR Articles 9 and 10³³.

ICCPR Article 10(1) requires that all persons deprived of liberty be treated with humanity and respect for inherent dignity. The UN Human Rights Committee has clarified that this obligation extends to material conditions of detention, healthcare, sanitation, and protection from abuse³⁴. Indian courts have echoed this reasoning. In *Sunil Batra v. Delhi Administration*, custodial violence and degrading treatment were held to violate Article 21, reinforcing the principle that imprisonment does not extinguish human dignity³⁵. Despite this doctrinal convergence, persistent overcrowding and inadequate healthcare indicate weak translation of these norms into custodial practice.

Equality, Poverty, and Pre-trial Detention: Article 14 and ICCPR Article 9

Article 14's guarantee of equality before the law is central to assessing pre-trial detention practices in India. Undertrial incarceration disproportionately affects economically and socially marginalised individuals, revealing how formal legal equality masks structural disadvantage³⁶. Bail, though normatively the rule, often becomes inaccessible due to poverty, lack of sureties, or inadequate legal representation.

This pattern directly engages ICCPR Article 9(3), which provides that pre-trial detention should be exceptional and that release pending trial should be the norm³⁷. In *Hussainara Khatoon (I) v. State of Bihar*, the Supreme Court exposed prolonged undertrial detention as a

³¹ United Nations Human Rights Committee, *General Comment No. 35: Article 9 (Liberty and Security of Person)*, UN Doc. CCPR/C/GC/35 (2014).

³² Constitution of India 1950, art. 21.

³³ *Maneka Gandhi v Union of India* (1978) 1 SCC 248.

³⁴ United Nations Human Rights Committee, *General Comment No. 21: Article 10 (Humane Treatment of Persons Deprived of Their Liberty)*, UN Doc. HRI/GEN/1/Rev.9 (1992).

³⁵ *Sunil Batra v Delhi Administration* (1978) 4 SCC 494.

³⁶ Marc Galanter, 'Why the "Haves" Come Out Ahead' (1974) 9 *Law & Society Review* 95.

³⁷ ICCPR, art. 9(3).

constitutional violation, recognising that delay and poverty transform lawful detention into arbitrary confinement³⁸. The persistence of undertrial dominance in Indian prisons demonstrates an ongoing breach of both Article 14 and ICCPR Article 9.

Procedural Safeguards and Arbitrary Detention under Article 22 and ICCPR Article 9

Article 22 of the Constitution guarantees procedural safeguards at the moment of arrest, including the right to legal counsel and prompt production before a magistrate³⁹. These protections closely mirror ICCPR Article 9(2) and 9(4), which require that detainees be informed of reasons for arrest and have access to judicial review of detention⁴⁰.

Judicial interpretation has reinforced these safeguards. In *Joginder Kumar v. State of Uttar Pradesh*, the Supreme Court cautioned against routine arrests and emphasised that detention must be justified by necessity rather than administrative convenience⁴¹. Yet empirical evidence reveals routine non-compliance, particularly affecting indigent accused persons. This disconnect underscores that arbitrary detention in India stems less from normative gaps than from failures of implementation and oversight.

Taken together, the Indian constitutional framework exhibits strong normative alignment with ICCPR Articles 9 and 10. However, the persistence of overcrowding, prolonged pre-trial detention, and poor custodial conditions highlights a critical gap between legal commitment and institutional reality. This tension explains the judiciary's continued engagement with prison governance, examined next through patterns of judicial intervention and their structural limits.

Judicial Intervention and the Humanisation of Prison Law

In the Indian context, judicial intervention has emerged as one of the most significant mechanisms through which prisons have been brought within the constitutional and human rights framework. In the absence of comprehensive legislative reform and amid persistent administrative neglect, the Supreme Court of India has repeatedly asserted that prisons are not spaces of diminished legality, but institutions subject to the full force of constitutional scrutiny. Through purposive interpretation of Articles 14, 21, and 22, the Court has sought to humanise prison law by infusing custodial governance with principles of dignity, fairness, and proportionality. This jurisprudence closely mirrors international human rights standards under

³⁸ *Hussainara Khatoon (I) v State of Bihar* (1980) 1 SCC 81.

³⁹ Constitution of India 1950, art. 22.

⁴⁰ ICCPR, arts. 9(2), 9(4).

⁴¹ *Joginder Kumar v State of Uttar Pradesh* (1994) 4 SCC 260.

Articles 9 and 10 of the International Covenant on Civil and Political Rights (ICCPR), which impose heightened obligations on States in contexts of detention⁴².

Rather than merely resolving individual disputes, the Court's prison jurisprudence reflects an effort to mediate between abstract constitutional norms and entrenched custodial practices. Judicial intervention has thus functioned as a corrective response to structural injustice, even as its limits remain evident in the persistence of overcrowding, prolonged detention, and degrading prison conditions.

Undertrial Detention and the Right to Speedy Trial

The constitutional humanisation of prison law gained momentum through judicial engagement with the problem of undertrial detention. In *Hussainara Khatoon (I) v. State of Bihar*, the Supreme Court exposed the reality of thousands of undertrial prisoners languishing in jails for years without trial, often for offences carrying minor sentences⁴³. Recognising the right to speedy trial as an integral component of Article 21, the Court held that prolonged pre-trial detention violates both liberty and dignity.

Crucially, the Court acknowledged that undertrial incarceration is not experienced uniformly. Poverty, illiteracy, lack of legal representation, and social marginalisation disproportionately trap certain groups in custodial limbo. Detention thus becomes less a legal necessity and more a consequence of structural inequality. This reasoning aligns closely with ICCPR Article 9(3), which mandates that detention before trial be exceptional and that release be the general rule⁴⁴. The Human Rights Committee has repeatedly emphasised that excessive pre-trial detention undermines the presumption of innocence and constitutes arbitrary detention⁴⁵.

Despite this jurisprudential clarity, undertrial prisoners continue to form the majority of India's incarcerated population. The persistence of this pattern reveals the limited capacity of judicial declarations to correct systemic failures in policing, bail practices, and judicial administration. Courts articulate constitutional standards, but their realisation remains constrained by institutional inertia and resource deficits.

Custodial Violence, Prison Conditions, and Human Dignity

Judicial intervention has been equally significant in addressing custodial violence and degrading prison conditions. In *Sunil Batra v. Delhi Administration*, the Supreme Court unequivocally rejected the notion that imprisonment authorises cruelty, holding that torture,

⁴² International Covenant on Civil and Political Rights, 1966, arts. 9–10.

⁴³ *Hussainara Khatoon (I) v. State of Bihar*, (1980) 1 SCC 81.

⁴⁴ ICCPR, art. 9(3).

⁴⁵ Human Rights Committee. (2014). *General Comment No. 35: Article 9 (Liberty and security of person)*, UN Doc. CCPR/C/GC/35.

bar fetters, and inhuman disciplinary practices violate Article 21⁴⁶. The Court affirmed that prisoners retain all fundamental rights except those necessarily curtailed by incarceration.

This reasoning places dignity at the centre of custodial governance, directly paralleling ICCPR Article 10(1), which requires that all persons deprived of liberty be treated with humanity and respect for their inherent dignity⁴⁷. The United Nations Human Rights Committee has clarified that this obligation is non-derogable and applies irrespective of resource constraints⁴⁸. By constitutionalising humane treatment, Indian courts have sought to translate international detention standards into domestic law.

Further, in *Charles Sobhraj v. Superintendent, Central Jail*, the Court emphasised that prison restrictions must be reasonable, proportionate, and non-arbitrary, warning against excessive security measures that inflict psychological harm⁴⁹. However, despite these doctrinal advances, empirical evidence continues to document overcrowding, inadequate healthcare, violence, and mental distress within prisons. The gap between judicial norms and custodial reality underscores the structural limits of rights enforcement through litigation alone.

Arrest, Bail, and Procedural Justice

Judicial efforts to humanise prison law have also targeted the entry points of incarceration arrest and bail. In *Joginder Kumar v. State of Uttar Pradesh*, the Supreme Court cautioned against routine and mechanical arrests, holding that arrest must be justified by necessity rather than convenience⁵⁰. The Court stressed that unnecessary arrests contribute directly to overcrowding and violate personal liberty under Article 21.

Similarly, bail jurisprudence has increasingly emphasised that detention should be a measure of last resort. These principles resonate with ICCPR Article 9(1), which prohibits arbitrary arrest and detention, and with international jurisprudence emphasising proportionality and necessity⁵¹. Yet, in practice, bail continues to be denied disproportionately to the poor, migrants, and socially marginalised, revealing how procedural safeguards often fail to operate equitably.

Judicial intervention, while normatively transformative, remains institutionally constrained. Courts can articulate standards and grant relief in individual cases, but they lack the tools to

⁴⁶ *Sunil Batra v. Delhi Administration*, (1978) 4 SCC 494.

⁴⁷ ICCPR, art. 10(1).

⁴⁸ Human Rights Committee. (1992). *General Comment No. 21: Article 10 (Humane treatment of persons deprived of liberty)*.

⁴⁹ *Charles Sobhraj v. Superintendent, Central Jail*, (1978) 4 SCC 104.

⁵⁰ *Joginder Kumar v. State of Uttar Pradesh*, (1994) 4 SCC 260.

⁵¹ United Nations Office of the High Commissioner for Human Rights. (2002). *Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment*.

restructure policing cultures, resource allocation, or prison infrastructure. As a result, judicial humanisation of prison law, though essential, cannot substitute for legislative reform and administrative accountability.

Judicial engagement with prison conditions increasingly reflects an understanding that detention heightens, rather than diminishes, the State's responsibility toward those in its custody. This approach resonates with broader human rights jurisprudence, which treats material conditions of confinement such as overcrowding, sanitation, access to healthcare, and duration of detention as central to the assessment of dignity. International human rights adjudication has repeatedly affirmed that the absence of deliberate abuse does not absolve the State where structural conditions of detention fall below minimum standards of humane treatment⁵². Courts have emphasised that sustained overcrowding and inadequate living space, taken cumulatively, may themselves constitute inhuman or degrading treatment, irrespective of intent⁵³.

This reasoning closely parallels the Indian Supreme Court's interpretation of Article 21, which locates custodial dignity not in abstract assurances but in the everyday realities of incarceration. Indian prison jurisprudence, like its international counterparts, increasingly recognises that detention triggers positive obligations: to prevent foreseeable harm, to ensure basic material conditions, and to protect physical and psychological integrity⁵⁴. Seen through this lens, judicial intervention in prison governance is not an intrusion into administrative discretion, but a necessary response to structural conditions that threaten the irreducible core of human dignity. The convergence of domestic constitutional doctrine with international detention standards reinforces a shared principle central to contemporary human rights law: prisons are not spaces of diminished legality, but sites of heightened accountability, where the legitimacy of State power is tested through its treatment of those it confines⁵⁵.

⁵² United Nations Human Rights Committee. (1992). *General Comment No. 21: Article 10 (Humane treatment of persons deprived of their liberty)*. UN Doc. HRI/GEN/1/Rev.9.

⁵³ *Kalashnikov v. Russia*, App. No. 47095/99, European Court of Human Rights (2002); *Ananyev and Others v. Russia*, App. Nos. 42525/07 & 60800/08, European Court of Human Rights (2012).

⁵⁴ *Sunil Batra v. Delhi Administration*, (1978) 4 SCC 494; *Charles Sobhraj v. Superintendent, Central Jail*, (1978) 4 SCC 104.

⁵⁵ Van Zyl Smit, D., & Snacken, S. (2009). *Principles of European Prison Law and Policy*. Oxford: Oxford University Press.

Limits of Rights Based Judicial Reform: Structural Violence and Custodial Harm

Judicial intervention has played a crucial role in recognising prisoners as rights bearing individuals, yet its capacity to transform everyday custodial life remains structurally limited. Indian courts have articulated robust constitutional standards on dignity, humane treatment, and procedural fairness, but these norms operate within prison systems marked by overcrowding, underfunding, and administrative fragility. In such contexts, harm often arises not from deliberate abuse but from what may be described as *structural violence* the slow, routinised deprivation produced by congested living spaces, inadequate healthcare, prolonged uncertainty, and institutional neglect⁵⁶. Rights are affirmed in law, but eroded in practice through conditions that normalise suffering as an administrative inevitability.

The limits of judicial reform become particularly visible where custodial harm is systemic rather than episodic. Courts are institutionally positioned to respond to violations once they are litigated, yet they remain dependent on executive agencies for implementation and compliance. Even when continuing mandamus is exercised, enforcement is constrained by staffing shortages, fiscal priorities, and outdated prison infrastructure⁵⁷. As a result, constitutional judgments often function as normative signposts rather than instruments capable of dismantling the structural conditions that generate harm in detention. This mirror concerns expressed in international human rights jurisprudence, which recognises that overcrowding and prolonged detention may constitute inhuman or degrading treatment even in the absence of intent⁵⁸.

A further limitation lies in the individualised remedial logic of adjudication. Judicial relief typically addresses specific instances of abuse or illegality, without recalibrating the broader systems that funnel vulnerable populations into prolonged detention. Undertrial prisoners disproportionately poor, migrant, or socially marginalised continue to experience incarceration as a form of structural exclusion rather than legal sanction. In this sense, rights-based prison jurisprudence risks addressing the symptoms of custodial injustice while leaving its socio-legal drivers intact⁵⁹.

⁵⁶ Galtung, J. (1969). Violence, peace, and peace research. *Journal of Peace Research*, 6(3), 167–191.

⁵⁷ Sathe, S. P. (2002). *Judicial Activism in India: Transgressing Borders and Enforcing Limits*. New Delhi: Oxford University Press.

⁵⁸ United Nations Human Rights Committee. (1992). *General Comment No. 21: Article 10 (Humane treatment of persons deprived of their liberty)*. UN Doc. HRI/GEN/1/Rev.9; *Ananyev and Others v. Russia*, App. Nos. 42525/07 & 60800/08, European Court of Human Rights (2012).

⁵⁹ Wacquant, L. (2009). *Punishing the Poor: The Neoliberal Government of Social Insecurity*. Durham, NC: Duke University Press.

These constraints point toward the limits of a reform strategy centred primarily on judicial humanisation. While courts remain indispensable in naming harm and affirming dignity, they cannot, by themselves, convert prisons from sites of structural violence into spaces of care, reform, and social repair. This recognition directs attention beyond adjudication toward the domains of rehabilitation and reintegration. If detention is understood as a condition that produces vulnerability, then the State's human rights obligations cannot end at humane confinement. They must extend to meaningful rehabilitation, psychosocial support, and pathways back into society that address the cumulative harms of incarceration.

The transition from judicial protection to rehabilitative responsibility is therefore not ancillary but necessary. Without institutional commitments to education, healthcare, skill development, and post release support, rights-based prison law risks remaining reactive mitigating the worst harms of detention without interrupting their reproduction. The following section builds on this insight by examining rehabilitation and reintegration as essential components of a human rights compliant response to custodial harm, situating them as obligations that flow directly from the recognition of detention as a form of structural vulnerability rather than a morally neutral administrative act⁶⁰.

Custodial Reality: Overcrowding, Detention, and Accountability Gaps

Empirical data consistently demonstrates that constitutional and human rights violations within Indian prisons are not episodic failures but structural conditions of detention. Official statistics published by the National Crime Records Bureau (NCRB) reveal that Indian prisons have, for several consecutive years, operated well beyond their sanctioned capacity, with occupancy rates exceeding one hundred per cent in a majority of States⁶¹. This overcrowding is not driven by rising conviction rates, but by the persistent dominance of undertrial detention. Undertrials continue to constitute a substantial majority of the prison population, many of whom remain incarcerated for prolonged periods without adjudication of guilt⁶².

Overcrowding has direct and cascading consequences for the enjoyment of basic rights in detention. Congested living spaces strain already fragile infrastructure, leading to inadequate sanitation, insufficient access to healthcare, limited nutrition, and heightened exposure to violence and disease. These conditions undermine the minimum guarantees of humane treatment articulated under international human rights law, particularly ICCPR Article 10 and

⁶⁰ United Nations Office on Drugs and Crime. (2015). *The Nelson Mandela Rules: United Nations Standard Minimum Rules for the Treatment of Prisoners*. Vienna: UNODC.

⁶¹ National Crime Records Bureau. (2022). *Prison Statistics India 2021*. New Delhi: Ministry of Home Affairs.

⁶² National Crime Records Bureau. (2023). *Prison Statistics India 2022*. New Delhi: Ministry of Home Affairs.

the Nelson Mandela Rules⁶³. From a lived perspective, overcrowding transforms imprisonment into an experience of constant deprivation, uncertainty, and psychological distress, disproportionately borne by the poor, migrants, and socially marginalised.

The National Human Rights Commission (NHRC) has repeatedly characterised these conditions as systemic rather than incidental. In its advisories and prison inspection reports, the NHRC has highlighted chronic staff shortages, lack of medical personnel, overcrowded barracks, and ineffective grievance redressal mechanisms as persistent features of custodial governance⁶⁴. Importantly, the Commission has noted that accountability structures within prisons remain weak, with internal oversight often subordinated to administrative hierarchies and external monitoring lacking enforcement power. As a result, violations are frequently documented but rarely remedied in a sustained manner.

A critical accountability gap lies in the manner prison governance is measured and evaluated. NCRB data prioritises indicators such as arrests, remand figures, and prison occupancy, while offering limited insight into detention outcomes, healthcare access, or rehabilitative support. Similarly, while NHRC reports identify patterns of rights violations, compliance with recommendations depends largely on executive discretion. This enforcement centric and descriptive approach obscures the lived impact of detention and allows structural harm to persist without meaningful institutional correction⁶⁵.

Taken together, empirical evidence from NCRB and NHRC sources underscores that custodial violations in India arise less from isolated misconduct than from entrenched institutional design. Overcrowding, prolonged pre-trial detention, and weak accountability mechanisms interact to produce conditions that systematically erode dignity. Addressing these realities therefore requires moving beyond reactive oversight toward structural reform that links detention practices to constitutional and international human rights obligations. Without such reform, custodial spaces will continue to normalise rights violations as routine features of incarceration rather than as failures demanding urgent redress.

Rehabilitation, Reintegration, and the Promise of Reform

The persistence of overcrowding and prolonged detention reveals the limits of a prison system oriented primarily toward containment. If incarceration is to be compatible with human dignity,

⁶³ United Nations Human Rights Committee. (1992). *General Comment No. 21: Article 10 (Humane treatment of persons deprived of their liberty)*. UN Doc. HRI/GEN/1/Rev.9; United Nations Office on Drugs and Crime. (2015). *United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)*.

⁶⁴ National Human Rights Commission. (2016). *Advisory on Prison Reforms*. New Delhi: NHRC.

⁶⁵ Committee against Torture. (2017). *Concluding observations on State party reports*. UN Doc. CAT/C/.

it must move beyond custodial control toward correction, rehabilitation, and social reintegration. International human rights law makes this normative shift explicit by framing imprisonment as a temporary condition that should prepare individuals for return to society rather than deepen exclusion. In the Indian context, this promise of reform finds partial expression in constitutional jurisprudence and penal policy, but remains unevenly realised in practice.

Reformative Ideals in Indian Penology

Indian penology has long articulated a reformative ideal, grounded in the belief that punishment should aim at rehabilitation rather than retribution. Judicial interpretation of Article 21 of the Constitution has repeatedly affirmed that imprisonment does not justify dehumanisation and that the purpose of incarceration must be consistent with dignity, reform, and the possibility of social re-entry⁶⁶. Courts have emphasised that prisoners are not to be treated as objects of discipline alone, but as individuals capable of change and reintegration.

This reformative vision also resonates with international detention standards. The Nelson Mandela Rules affirm that the purpose of imprisonment is the protection of society through the social rehabilitation of prisoners, underscoring that correction rather than exclusion must guide custodial governance⁶⁷. Together, constitutional doctrine and international norms articulate a shared principle: legitimacy of punishment depends on its capacity to preserve dignity and facilitate reintegration. Yet, the translation of this ideal into everyday prison practice remains fragile, constrained by institutional realities that prioritise security and containment.

Rehabilitation Practices and Their Constraints

Rehabilitation in Indian prisons typically takes the form of educational programmes, vocational training, prison labour, and limited counselling services. Policy instruments such as the Model Prison Manual envision prisons as spaces for skill development and behavioural change, intended to equip prisoners for lawful livelihoods upon release⁶⁸. In theory, these initiatives reflect a commitment to correction and reintegration.

In practice, however, rehabilitation remains uneven and often symbolic. Chronic overcrowding, staff shortages, and inadequate infrastructure severely limit the reach and quality of

⁶⁶ *Sunil Batra v. Delhi Administration*, (1978) 4 SCC 494; *Mohammad Giasuddin v. State of Andhra Pradesh*, (1977) 3 SCC 287.

⁶⁷ United Nations Office on Drugs and Crime. (2015). *United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)*, Rule 4. Vienna: UNODC.

⁶⁸ Ministry of Home Affairs. (2016). *Model Prison Manual for the Superintendence and Management of Prisons in India*. New Delhi: Government of India.

rehabilitative programmes. Access is frequently restricted to convicted prisoners, excluding undertrials who constitute a significant proportion of the prison population. Where programmes do exist, they are often disconnected from labour markets and post release support systems, weakening their long-term impact⁶⁹. As a result, release from prison frequently marks a return to socio-economic precarity rather than successful reintegration, reinforcing cycles of marginalisation and re-incarceration.

Open Prisons and Rights Compatible Alternatives

Open prisons represent one of the most significant reformative innovations within Indian penology. Operating on principles of trust, self-discipline, and responsibility, open prisons allow selected prisoners to live with minimal supervision, engage in gainful employment, and maintain family and community ties⁷⁰. States such as Rajasthan have demonstrated that open prisons can reduce custodial costs, improve rehabilitation outcomes, and lower rates of recidivism, while better preserving dignity than closed custodial institutions.

Judicial endorsement of open prisons underscores their constitutional relevance. Courts have recognised that such models align more closely with Article 21 by mitigating the dehumanising effects of incarceration and facilitating gradual social reintegration⁷¹. From a human rights perspective, open prisons reflect the normative shift from containment to correction, illustrating how deprivation of liberty can coexist with autonomy, responsibility, and social connection. Comparable approaches have emerged in other Global South contexts facing similar challenges of overcrowding and resource constraints. Semi open and open detention models in countries such as Brazil and South Africa have been associated with improved reintegration outcomes, particularly where community engagement and employment opportunities are prioritised⁷². These experiences reinforce the insight that security need not be incompatible with dignity, and that less restrictive custodial environments can enhance both rehabilitation and public safety. Despite their promise, the expansion of open prisons in India remains limited. Administrative caution, security anxieties, and uneven policy commitment across States have confined these models to a narrow segment of the prison population. Nevertheless, the demonstrated effectiveness of open prisons both domestically and in comparable Global South settings

⁶⁹ National Human Rights Commission. (2016). *Advisory on Prison Reforms*. New Delhi: NHRC.

⁷⁰ Rajasthan Prison Department. (2019). *Report on Open Air Camps*. Jaipur: Government of Rajasthan.

⁷¹ *State of Gujarat v. Hon'ble High Court of Gujarat*, (1998) 7 SCC 392.

⁷² Penal Reform International. (2018). *Global Prison Trends*. London: Penal Reform International; Sarkin, J. (2011). Prison reform and human rights in South Africa. *International Journal of Human Rights*, 15(4), 528-549.

highlights their potential as rights compatible alternatives to conventional incarceration. Wider adoption of such models would mark a meaningful step toward prison reform grounded in dignity, rehabilitation, and reintegration rather than exclusion.

Comparative and International Human Rights Perspectives

International human rights law treats detention as a condition that heightens, rather than diminishes, State responsibility. Article 10 of the International Covenant on Civil and Political Rights (ICCPR) requires that all persons deprived of their liberty be treated with humanity and with respect for their inherent dignity. The Human Rights Committee (HRC) has consistently interpreted this obligation as imposing positive duties on States to ensure adequate living space, sanitation, healthcare, and protection from physical and psychological harm, regardless of resource constraints⁷³. Importantly, the Committee has clarified that overcrowding and prolonged detention may themselves amount to violations of Article 10 when they undermine dignity in a sustained and systemic manner⁷⁴.

The Nelson Mandela Rules operationalise these obligations by translating abstract principles into concrete standards of detention. Rules 1 and 3 affirm dignity and non-discrimination as foundational norms, while Rules 12-17 specify minimum requirements relating to accommodation, ventilation, sanitation, and personal space. Rules 4 and 58-63 further emphasise rehabilitation, social contact, and preparation for release as essential components of humane detention⁷⁵. Together, these provisions reflect an international consensus that prisons must function not merely as sites of confinement, but as institutions oriented toward social reintegration.

UN treaty bodies have repeatedly expressed concern over detention practices in States facing chronic overcrowding and high levels of pre-trial detention, particularly in the Global South. In its concluding observations, the Human Rights Committee has emphasised that prolonged undertrial detention, inadequate prison infrastructure, and weak oversight mechanisms constitute structural violations rather than isolated administrative failures⁷⁶. Similarly, the Committee against Torture (CAT) has underscored that conditions of detention characterised by overcrowding, poor sanitation, and limited access to medical care may amount to cruel,

⁷³ Human Rights Committee. (1992). *General Comment No. 21: Humane treatment of persons deprived of their liberty (Article 10)*. United Nations.

⁷⁴ Human Rights Committee. (2014). *General Comment No. 35: Liberty and security of person (Article 9)*. United Nations.

⁷⁵ United Nations General Assembly. (2016). *United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)*, A/RES/70/175.

⁷⁶ Human Rights Committee. (Various years). *Concluding observations on State party reports under the ICCPR*. United Nations.

inhuman, or degrading treatment, even in the absence of deliberate abuse⁷⁷. These findings reinforce the understanding that systemic custodial neglect engages international responsibility. India's custodial realities closely reflect the patterns identified in this international jurisprudence. Persistent overcrowding, prolonged undertrial detention, and limited accountability mechanisms mirror conditions repeatedly found incompatible with Articles 7 and 10 of the ICCPR and the Mandela Rules. While Indian constitutional jurisprudence articulates standards broadly aligned with international norms, the gap between legal commitment and institutional practice remains pronounced. Situating India within this comparative human rights framework underscores that its prison governance challenges are neither exceptional nor culturally specific, but part of a broader global struggle to align detention practices with dignity, humanity, and accountability.

Viewed in this context, international human rights law functions not merely as an external benchmark, but as an interpretive framework that reinforces domestic constitutional commitments. The convergence between ICCPR jurisprudence, the Mandela Rules, and Indian constitutional doctrine affirms a central principle: prisons are not spaces of diminished legality, but sites where the legitimacy of State power is tested through its treatment of those it confines.

Rethinking Prison Reform: From Legal Recognition to Structural Compliance

The analysis undertaken in this article demonstrates that the crisis of prison governance in India does not stem from an absence of legal recognition, but from a persistent failure of implementation. Constitutional jurisprudence, statutory interpretation, and international human rights law converge on a clear normative position: persons deprived of liberty remain entitled to dignity, humane treatment, and procedural fairness. Yet empirical evidence drawn from custodial realities reveals that these commitments are routinely undermined by overcrowding, prolonged detention, and weak accountability mechanisms. Prison reform must therefore be understood less as a task of articulating new rights, and more as a challenge of translating existing standards into institutional practice.

Doctrinally, Indian constitutional law has embraced a rights-based understanding of incarceration, particularly through expansive interpretations of Articles 14, 21, and 22. Courts have consistently rejected the notion that prisons are spaces of diminished legality and have affirmed the continuing applicability of fundamental rights behind prison walls⁷⁸. International

⁷⁷ Committee against Torture. (2012). *General Comment No. 2: Implementation of Article 2 by States Parties*. United Nations.

⁷⁸ *Sunil Batra v. Delhi Administration*, (1978) 4 SCC 494; *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248.

human rights law reinforces this position. ICCPR Article 10, the Nelson Mandela Rules, and UN treaty body jurisprudence articulate minimum standards of detention that closely align with India's constitutional guarantees. The convergence of domestic and international norms underscores that the legal framework governing prisons is not deficient in principle.

Empirically, however, the persistence of overcrowding, undertrial detention, and substandard living conditions reveals a different reality. Data published by the National Crime Records Bureau and findings of the National Human Rights Commission consistently point to structural conditions that normalise rights violations as routine features of incarceration. These are not isolated administrative lapses, but systemic outcomes produced by institutional design, resource allocation, and governance priorities⁷⁹. The gap between law and lived experience thus reflects a failure of compliance rather than a failure of law.

Comparative human rights practice further sharpens this diagnosis. UN treaty bodies have repeatedly observed that States cannot rely on judicial pronouncements or policy declarations alone to discharge their detention-related obligations. Structural compliance requires effective oversight, enforceable standards, reliable data collection, and mechanisms that hold custodial authorities accountable for sustained violations⁸⁰. Where such mechanisms are absent or weak, rights remain aspirational and reform remains symbolic.

Reframing prison reform as a question of structural compliance shifts attention from episodic litigation to institutional responsibility. It highlights the need for legislative modernisation, administrative reform, and sustained investment in custodial infrastructure, healthcare, and rehabilitation. It also foregrounds the importance of transparency and outcome-based accountability, moving beyond enforcement metrics toward indicators that measure dignity, well-being, and reintegration.

Ultimately, the legitimacy of prison reform lies not in the eloquence of constitutional doctrine, but in its capacity to shape everyday custodial life. Recognising prisoners as rights holders is a necessary first step; ensuring that those rights are meaningfully realised requires political will, administrative capacity, and enforceable accountability structures. Without this transition from legal recognition to structural compliance, prisons will continue to operate as sites where constitutional promise remains largely unrealised.

⁷⁹ National Crime Records Bureau. (2023). *Prison Statistics India 2022*. New Delhi: Ministry of Home Affairs; National Human Rights Commission. (2016). *Advisory on Prison Reforms*. New Delhi: NHRC.

⁸⁰ United Nations Human Rights Committee. (1992). *General Comment No. 21: Article 10 (Humane treatment of persons deprived of their liberty)*. UN Doc. HRI/GEN/1/Rev.9; United Nations Committee against Torture. (2017). *Concluding observations on State party reports*. UN Doc. CAT/C/.

Discussion

The discussion emerging from this study indicates that the most persistent challenge in Indian prison governance lies not in the absence of legal standards, but in their fragile translation into everyday custodial practice. Constitutional jurisprudence, statutory interpretation, and international human rights norms converge on a shared recognition that persons deprived of liberty remain entitled to dignity, humane treatment, and procedural fairness. Yet empirical realities most visibly overcrowding, prolonged undertrial detention, and weak accountability continue to undermine these commitments in lived experience⁸¹. Prisons thus emerge as spaces where constitutionalism is most intensely tested and most frequently strained.

Judicial intervention has been indispensable in naming custodial harm and embedding a rights-based vocabulary within prison law. Decisions interpreting Articles 14, 21, and 22 have affirmed that incarceration does not create zones of diminished legality⁸². However, the discussion highlights the institutional limits of adjudication. Courts remain dependent on executive agencies for implementation, and rights-based judgments often function as normative correctives rather than instruments of sustained structural change. Where prison administration is governed by colonial era legislation, chronic under resourcing, and fragmented oversight, judicial humanisation alone cannot dismantle the structural conditions that produce custodial harm⁸³.

Empirical material drawn from NCRB statistics and NHRC findings reinforces this diagnosis. Overcrowding and undertrial detention appear not as anomalies, but as systemic features of incarceration, disproportionately affecting the poor, migrants, and socially marginalised. The absence of consistent outcome-based data on healthcare, rehabilitation, or reintegration further reflects an enforcement-centric approach to prison governance, where success is measured through confinement rather than well-being⁸⁴. This institutional blindness limits accountability and allows rights violations to persist as routine conditions rather than recognised failures.

International human rights perspectives sharpen the analysis by situating India within a broader global pattern. ICCPR Article 10 jurisprudence, the Nelson Mandela Rules, and UN treaty body observations consistently affirm that inadequate conditions of detention engage State responsibility even in the absence of intentional abuse⁸⁵. The convergence between these

⁸¹ National Crime Records Bureau. (2023). *Prison Statistics India 2022*. New Delhi: Ministry of Home Affairs.

⁸² *Sunil Batra v. Delhi Administration*, (1978) 4 SCC 494; *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248.

⁸³ Sathe, S. P. (2002). *Judicial Activism in India: Transgressing Borders and Enforcing Limits*. New Delhi: Oxford University Press.

⁸⁴ National Human Rights Commission. (2016). *Advisory on Prison Reforms*. New Delhi: NHRC.

⁸⁵ United Nations Human Rights Committee. (1992). *General Comment No. 21: Article 10 (Humane treatment of persons deprived of their liberty)*. UN Doc. HRI/GEN/1/Rev.9; United Nations Office on Drugs and Crime.

standards and Indian constitutional doctrine underscores that the challenge is not normative incompatibility, but structural compliance. Similar struggles documented across the Global South further demonstrate that resource constraints cannot justify prolonged custodial neglect where deprivation is foreseeable and systemic⁸⁶.

The discussion also foregrounds rehabilitation and reintegration as critical yet under-realised dimensions of prison reform. Open prisons and community-based alternatives illustrate that less restrictive, dignity-preserving models of incarceration are both feasible and effective. Their limited expansion reflects administrative caution rather than normative uncertainty. This reinforces the central insight of the study: reform must move beyond containment toward correction, recognising rehabilitation not as an optional programme but as a human rights obligation flowing from the vulnerability inherent in detention⁸⁷.

Taken together, the discussion reframes prison reform as a question of institutional accountability rather than doctrinal innovation. Making rights meaningful behind prison walls requires legislative modernisation, reduction of unnecessary incarceration, investment in custodial infrastructure and healthcare, and mechanisms that measure outcomes rather than occupancy. Without such structural commitment, constitutional and international norms risk remaining aspirational affirmed in principle, but denied in practice.

Conclusion

Prisons remain among the most revealing sites for assessing how constitutional values are realised in everyday governance. They are spaces where the State's authority over the individual is most extensive regulating bodies, movement, and time and where commitments to dignity, equality, and humane treatment face their most severe tests. This article has shown that the crisis in Indian prison governance does not arise from a lack of legal recognition of prisoners' rights. Constitutional principles and human rights standards clearly affirm that deprivation of liberty does not extinguish the status of individuals as rights bearing persons entitled to humane treatment and procedural fairness.

Yet the persistent realities of overcrowding, prolonged undertrial detention, and inadequate living conditions point to a deeper structural failure. Custodial harm emerges less from isolated wrongdoing and more from institutional arrangements that normalise delay, neglect, and deprivation. Judicial interventions have been instrumental in articulating constitutional

⁸⁶ (2015). *United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)*.

⁸⁶ Penal Reform International. (2018). *Global Prison Trends*. London: PRI.

⁸⁷ Van Zyl Smit, D., & Snacken, S. (2009). *Principles of European Prison Law and Policy*. Oxford: Oxford University Press.

safeguards and exposing these systemic deficiencies. However, courts alone cannot transform custodial environments shaped by outdated frameworks, administrative weakness, and chronic resource constraints. Rights affirmed in doctrine remain fragile when they are not embedded in enforceable standards, effective oversight, and sustained institutional support.

Meaningful prison reform must therefore be understood not as a problem of legal imagination, but of structural compliance. Aligning prison administration with constitutional commitments requires legislative renewal, reduced reliance on incarceration, sustained investment in health and infrastructure, and credible pathways for rehabilitation and reintegration. Equally important is a shift in evaluative focus from prisons assessed by control and containment to institutions judged by their capacity to uphold dignity, well-being, and social reintegration.

Ultimately, the treatment of those in custody reflects the character of a society's penal philosophy and the depth of its constitutional morality. Prisons will continue to serve as a critical measure of the rule of law only when rights are not merely recognised in principle, but made meaningful through sustained institutional commitment within prison walls.

Recommendations

This study affirms that meeting human rights obligations in custodial settings requires structural reform beyond judicial recognition. Preventing arbitrary detention, ensuring humane treatment, and enabling reintegration must be treated as interconnected state responsibilities.

Preventing Arbitrary Detention

- Reduce routine reliance on pre-trial detention through expanded bail, diversion, and non-custodial measures.
- Ensure time bound investigations and trials to prevent prolonged undertrial detention.
- Strengthen early access to legal aid, particularly for marginalised accused persons.

Humane Treatment in Detention

- Replace outdated prison laws with rights-based standards guaranteeing dignity, healthcare, sanitation, and grievance redressal.
- Treat chronic overcrowding and poor living conditions as rights violations.
- Strengthen independent oversight focused on everyday custodial conditions.

Rehabilitation and Reintegration

- Recognise rehabilitation as a continuing obligation of the State.
- Expand open prisons and community-based alternatives.
- Provide basic post-release support to reduce re-incarceration.

Taken together, these measures emphasise that human rights compliance in prisons depends on sustained institutional commitment to making dignity real in custodial life, not merely recognised in law.