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Beyond The Bars: The Legal Frontiers of Prisoners' Rights

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Beyond The Bars: The Legal Frontiers of Prisoners' Rights

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Abstract

The delicate balance between state-imposed penalties and the protection of fundamental human rights is at the heart of modern penology. Though a prisoner loses freedom of movement, they do not lose their status as a human being under international and constitutional law. The “prison walls” are now seen as permeable to safeguards against physical abuse, the right to healthcare, and the maintenance of free speech; rather than as a barrier to justice. Preventing “cruel and unusual punishment” has given way to a more proactive, rehabilitation-focused approach in the legal debate. This study posits that a correctional system's effectiveness is determined by the integrity of its legal processes rather than the severity of its incarceration. The emphasis moves to preparing the prisoners for reintegration into society by bringing domestic legal precedents into line with international human rights standards. In order to stop institutional deterioration and power abuse, defending the rights of the oppressed, especially those incarcerated, is more than just a humanitarian act. Respecting these norms is necessary for the rule of Law, institutional integrity, and successful reformation and rehabilitation. The study underscores that the protection of prisoners' rights is an essential sign of a robust democracy. It concludes that in order to lower recidivism and preserve the intrinsic dignity of every legal subject, regardless of their incarceration, a change from retribution to rehabilitation is crucial.

Keywords : *Prisoners' Rights, Fundamental Rights, Undertrial Prisoners, Legal Practitioner, Free Legal Aid.*

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Introduction

“Crime is the outcome of a diseased mind and must have an environment of hospital for treatment and care.” - Mahatma Gandh⁴

Every individual in India is guaranteed equal protection under the law and equality before the law inside the country's borders by the Constitution. Additionally, each prisoner should be regarded as an individual and is entitled to certain rights. The fundamental rights of inmates have been acknowledged by the Supreme Court and High Courts in plethora of cases.

In the case of **State of A.P. v. Challa Ramkrishna Reddy & Ors., 2000⁵** the Apex court held that a prisoner, whether a convict or Undertrial, does not cease to be a human being and, while lodged in jail, he enjoys all his fundamental rights guaranteed by the constitution of India.

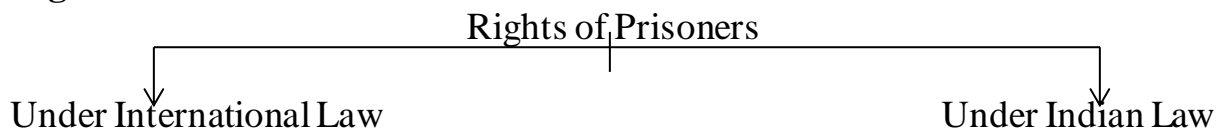
Who is Prisoner?

The term prisoner has been defined in the Model Prison Manual 2016. It says that any person confined in a prison under the order of a competent authority (Chapter 1 clause 26). It means that a prisoner is a person who is kept in jail or prison under custody because he or she has committed any act which is prohibited by the law of the land.⁶ Prisoners include Convicts as well as undertrials. Both the terms has been defined under Chapter 1 of Model Prison Manual, 2016

Convict - Any prisoner under sentence of a court exercising criminal jurisdiction or court martial and includes a person detained in prison under the provisions of chapter VIII of the Code of Criminal Procedure of 1973 (Central Act 2 of 1974) and the Prisoners Act of 1900 (Central Act 3 of 1900).⁷

Under-trial prisoners - A person who has been committed to judicial custody pending investigation or trial by a competent authority.⁸

Rights of Prisoners



⁴ Mahatma Gandhi, India of my Dreams (Hind Kitabs, Ahmedabad, 1947).

⁵ State of A.P. v. Challa Ramkrishna Reddy & Ors., (2000) 5 SCC 712

⁶ Model Prison Manual, 2016, Ch. 1, cl. 26

⁷ *Id.*, Ch.1 cl. 6

⁸ *Id.*, Ch.1 cl. 32

A. Rights of Prisoners under International law

- **Universal Declaration of Human Rights (UDHR), 1948**

Article 5 provides that “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment” and,

Article 9 provides that “No one shall be subjected to arbitrary arrest, detention or exile⁹.”

- **The Geneva Convention, 1949** contains comprehensive provisions relating to the treatment of prisoners of wars.¹⁰
- **The International Covenant on Civil and Political Rights (ICCPR), 1966**
India ratified this covenant in 1979. Some of the Articles are as follows:

Article 10(1) - All persons deprived of their liberty shall be treated with humanity with respect for the inherent dignity of the human person and,

Article 10(3) - The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.¹¹

- The United nation further adopted and proclaimed the **Basic Principles (P) for the treatment of prisoners** in 1990. Some of them are as follows:
 - P1.** All Prisoners shall be treated with the respect due to their inherent dignity and value as human beings.
 - P2.** 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.
 - P6.** All prisoners shall have the right to take part in cultural activity and education aimed at the full development of the human personality.¹²
- **United Nation Standard Minimum Rules for the treatment of prisoners (Nelson Mandela Rules), 2015**
It provides 122 rules for the protection of prisoners. Such are as follows:
 - Rule 17** – All parts of a prison regularly used by prisoners shall be properly maintained and kept scrupulously clean at all times.

Rule 64 - Every prison shall have a library for the use of all categories of prisoners, adequately stocked with both recreational and instructional books, and prisoners shall be encouraged to make full use of it.¹³

⁹ Universal Declaration of Human Rights, 1948, UN Doc. A/RES/217 A (III), art.5, 9.

¹⁰ Geneva Convention Relative to the treatment of Prisoners of War, 1949, 75 UNTS 135.

¹¹ International Covenant on Civil and Political Rights, 1966, 999 UNTS 171.

¹² United Nations General Assembly Resolution 45/111, 1990, UN Doc. A/RES/45/111.

¹³ United Nations General Assembly Resolution 70/175, 2015 UN Doc. A/RES/70/175, rules 17 and 64.

B. Rights of prisoners under Indian Law

Rights under Constitution of India

The Article 14, 19 and 21 of the Constitution of India guarantee basic Fundamental Rights to every citizen of India, prisoners are also come in this periphery. The Hon'ble Supreme Court in the case of **T. V. Vatheeswaran v. State of Tamil Nadu, 1983**¹⁴ held that Fundamental Rights under Article 14, 19 and 21 of the Constitution of India are available to the prisoners as well as free men.

- a) **Right to Life (Article 21)** – No Person shall be deprived of his life and personal liberty except by the procedure established by law. This article provides two aspects of Rights:
 - Right to Life
 - Right to personal Liberty¹⁵
- b) **Right to Freedom (Article 19)** – Article 19(1) of Constitution of India provides 6 freedoms to all Citizens of India. Though among these freedoms the prisoners can enjoy only two freedoms:
 - Right to Freedom of speech and expression [19(1)(a)] and
 - Right to Freedom to become member of an association [19(1)(c)].¹⁶
- c) **Right against double jeopardy or punishment [article 20(2)]**- Article 20(2) says that No person shall be prosecuted and punished for the same offence more than once.¹⁷
- d) **Right against self-incrimination [Article 20(3)]** – Article 20(3) provides that No person accused of any offence shall be compelled to be a witness against himself.¹⁸
- e) **Right to consult with legal practitioner [Article 22 (1)]** - Article 22(1) provides that No person shall be denied the right to consult, and to be defended by, a legal practitioner of his choice.¹⁹
- f) **Right to free legal Aid (Article 39 A)** – In the words of **Hon'ble Justice P.N. Bhagwati** Legal aid means providing an arrangement in the society which makes the machinery of administration of Justice easily accessible and in reach of those who have to resort to it for enforcement of rights given to them by law.²⁰

¹⁴ *T. V. Vatheeswaran v. State of Tamil Nadu*, (1983) 2 SCC 68

¹⁵ The Constitution of India, Art. 21

¹⁶ *Id.*, art. 19.

¹⁷ *Id.*, Art. 20.

¹⁸ *Supra* Note 14, art. 20.

¹⁹ *Id.*, art. 22.

²⁰ Ministry of Law, Justice and Company Affairs, *Report on National Juridicare: Equal Justice – Social Justice* (Government of India, 1977).

The Hon'ble Supreme Court in the case of **M.H. Wadanrao Haskot v. State of Maharashtra, 1978**,²¹ held that the Right to Legal Aid is one of the ingredient of fair procedure.

Article 39A further provides that the state shall provide free legal Aid to the poor and weaker section of society including the prisoners.²²

Rights under “The Prisons Act 1894”:

The Prisons Act 1894 is the first and the foremost legislation regarding prison regulation in India. It contains comprehensive provision for the welfare and protection of prisoners:

1. Right to Accommodation for prisoners (Section 4) – The prisoners have the right to be provided accommodation in prisons constructed and maintained by the State Government according to the provisions of this Act.²³

The Model Prison manual (2016) also provides that living conditions in every prison shall be compatible with human Dignity in all aspects such as Accommodation, Legal Aid, hygiene, sanitation, food, Clothing, medical facilities, etc.²⁴

2. Right to Shelter and Safe Custody in the case of excess number of Prisoners (Section 7)²⁵ – it provides that it is the duty of inspector general to provide the shelter and safe custody including Temporary prisoner in the following circumstances:

- Excess number of Prisoners
- Outbreak of epidemic disease

3. Examination of Prisoners by qualified medical officer (Section 24&26) - In order to ensure institutional security and medical accountability, Section 24 establishes a formal entry protocol. Upon admission, all inmates must be stripped of any prohibited items and undergo a mandatory medical examination to document their physical health, pre-existing injuries, and work capacity. It is strictly mandated that female inmates can only be searched and examined by female staff members (the matron).

Section 26 mandates that by preventing the spread of illness between facilities or into the general public, these laws act as a protection against negligence and guarantee that the state is still in charge of a prisoner's medical care during transitions.²⁶

4. Separation of prisoners (Section 27) – Section 27 provides the provision for the separation of Prisoners.

²¹ M.H. Wadanrao Haskot v. State of Maharashtra, (1978) 3 SCC 544.

²² *Supra* Note 14, art. 39A.

²³ The Prisons Act, 1894 (Act 9 of 1894), S. 4.

²⁴ The Prison Manual (2016), Ch. 6, 7, 16.

²⁵ *Supra* Note 22, s. 7.

²⁶ *Supra* Note 22, Ss. 24, 26

It state that-

- Females shall be imprisoned in separate building or separate parts of the same building, in case of prisons containing females as well as male prisoners.
 - Undertrial prisoners shall be kept apart from convicted criminal prisoners (convicts) and,
 - Civil prisoners shall be kept apart from criminal prisoners.²⁷
5. **Solitary Confinement (Section 29)** – No cell shall be used for solitary confinement unless it is furnished with the means of enabling the prisoners to communicate at any time with an officer of this prison.²⁸
 6. **Hospital (Section 39)** – In every prison a hospital or proper place for the reception of sick prisoners shall be provided.²⁹
 7. **Visits to civil and unconvicted (undertrial) criminal prisoners (Section 40)**– It provides that the prisoner shall be allowed to meet person whom they desire to communicate at proper time and under proper restriction. Even undertrial prisoners should be allowed to meet their duly qualified legal advisor without presence of any other person.³⁰

Rights under Bharatiya Nagarik Suraksha Sanhita (earlier under CrPC)

1. **Right of the Prisoner to be informed of arrest and Bail (Section 47)** – the arrested person has the right to be informed of the grounds of arrest and of the right to Bail. It is the duty of every Police Officer or other Person making arrest without warrant shall communicate to him full particulars of the offence for which he is arrested.³¹
2. **Right to be defended by a Lawyer and Legal aid (Section 340 and 341)** – Section 340 empowers the accused/ prisoners to be defended by a lawyer of their choice and Section 341 provide the provision for the legal aid to accused/Prisoner at state's expense in certain cases. Even the Right to Legal Aid under BNSS extend to at the stage of Appeal.³²
3. **Right to Speedy trial (Section 346)** – Section 346 provides that in every inquiry or trial, the proceedings shall be held as expeditiously as possible.³³
4. **Right to Medical Examination (Section 51, 52, 53)** – These sections provide for examination of accused person as well as arrested person by a registered medical practitioner at the request of Police Officer or arrested person.³⁴

²⁷ *Id.*, s. 27

²⁸ *Id.*, s. 29

²⁹ *Id.*, s. 39

³⁰ *Id.*, s. 40

³¹ Bharatiya Nagarik Suraksha Sanhita, 2023 (Act 46 of 2023), S. 47

³² *Supra* Note 30, s. 340, 341

³³ *Id.*, s. 346

³⁴ *Id.*, s. 51, 52, 53

5. Right to be present during Trial(Section 308) – Section 308 provides that all evidence and statements must be recorded in presence of the accused or his lawyer.³⁵

Other Rights of Prisoners

In the catena of cases, the Hon'ble Supreme Court has interpreted several Rights. Some of them are:

1. Right to Free Legal Aid – Every person who is arrested or accused of any offence has the right to consult a lawyer. This is the fundamental right comes in the periphery of **Article 21** of the Constitution of India. "Legal Aid refers giving free legal services to the poor and needy who are unable to afford the services of an advocate for the conduct of a case or a legal proceeding in any court, tribunal or before an Judicial authority."³⁶

In the case of **Hussainara Khatoon (IV) v. State of Bihar (1979)**³⁷ the Apex Court held that the Right to free Legal Service is an essential component of 'reasonable, fair and Just' procedure, guaranteed under Article 21, for a person accused of an offence.

Denial of Legal Aid ultimately amount to the denial of Right to equality and it results in violation of the Rights of a poor accused person.³⁸

The Supreme Court, in **Sheela Barse v. State of Maharashtra (1983)**³⁹ directed that it is the liability of Police Personnel to give an intimation of the fact of arrest to the nearest legal aid committee and such legal aid Committee will take immediate step for the purpose of providing legal assistance.

The legal service Authority Act (LSAA), 1987 also provides the criteria and entitlement of Legal service.⁴⁰

2. Right of inmates to Live in Humane and Good Conditions – The Supreme Court in the case of **Upendra Baxi v. State of Uttar Pradesh,(1983)**,⁴¹ the Supreme Court issued a number of directives to guarantee that the residents of the protective home in Agra would no longer be subjected to inhumane and degrading conditions and that their right to a dignified life, as guaranteed by Article 21 of the Constitution, would become a reality.

The ongoing problem of overcrowding and cruel living conditions in 1,382 prisons spread across several states is addressed by this Supreme Court of India in judgment of *In Re Inhumane Conditions in 1382 Prisons*. The Court

³⁵ *Id.*, s. 308

³⁶ Y. Srinivasa Rao, "Right to Free Legal Aid," Manupatra Articles, July 5, 2012, available at: <https://articles.manupatra.com/article-details/Right-to-Free-Legal-Aid>(last visited on May 16, 2026).

³⁷ *Hussainara Khatoon (IV) v. State of Bihar*(1979) AIR 1369

³⁸ National Human Rights Commission, *Rights of Prisoners*(NHRC, New Delhi, 2021)18.

³⁹ *Sheela Barse v. State of Maharashtra*AIR 1983 SC 378.

⁴⁰ Legal Services Authority Act, 1987 (Act 39 of 1987), s. 12, 13.

⁴¹ *Upendra Baxi v. State of Uttar Pradesh*(1983)2 SCC 308.

voiced its displeasure with state governments' "lethargy" and "slackness" in responding to pressing welfare and infrastructure issues.⁴²

3. Right to Speedy trial – Right to speedy trial is a Fundamental right of a prisoner enshrined Article 21 of the Constitution of India. The constitution of India ensures just, fair and reasonable procedure with regards to trial.⁴³

In the case of **Hussainara Khatoon v. state of Bihar (1980)**⁴⁴ the Supreme Court expressed its concern about the delay in trial and stated that the poor are denied because they are too poor to afford bail and the court have no time to try them **and it also said** that a procedure which keeps large numbers of people **behind bars without trial** so long cannot possibly be regarded as reasonable, just or fair so as to be in conformity with the requirement of article 21. The Hon'ble Supreme Court in the case of **Ratiram v. State of M.P. (2012)**⁴⁵ also held that the every accused person is entitled to a speedy trial. The ultimate purpose of speedy trial is to intended to avoid oppression and prevent delay.

4. Right against Custodial Violence and death in Police Lockups – No one shall be subjected to torture or cruel, inhumane or degrading treatment or punishment.⁴⁶ Custodial violence refers to abuse, including sexual violence, inflicted on individual in institution and Police or prison custody, with women and gender minority being particularly vulnerable. Such custodial violence may be physical torture, rape or sexual harassment, or custodial death. It consider as deplorable act of police.

In 2024, the National Human Rights Commission reported 2739 custodial death, following approximately 2400 cases in 2023. Additionally 1995 prisoners died in judicial custody in 2022, including 159 unnatural deaths.⁴⁷

The Supreme Court in the case of **Sunil Batra v. Delhi administration, 1980**⁴⁸ held that, vis-a-vis Article 32 and Article 226, it had the power to intervene and restore the fundamental rights of prisoners. That is, it was completely within the authority of the hon'ble court to intervene and protect prisoners from harsh or inhuman treatment. Also, it was made clear that during the prisoner's time in jail, the jail authorities do not have any rights to punish, torture or in any way discriminate against them without the explicit permission or orders of the court. It is the duty of the Supreme Court and all other

⁴² *In Re Inhumane Conditions in 1382 Prisons* 2024 INSC 461.

⁴³ *Supra* Note 37, p. no. 19.

⁴⁴ *Hussainara Khatoon v. state of Bihar* (1980) 1 SCC 81.

⁴⁵ *Ratiram v. State of M.P.* (2012) 4 SCC 516

⁴⁶ *Supra* Note 8, art. 5.

⁴⁷ *Global Torture Index, 2025: India Factsheet.*

⁴⁸ *Sunil Batra v. Delhi administration*, 1980 AIR 1599.

subordinate courts to protect the rights of our country's citizens, in no way are prisoners and convicts exempt from this. In the case of **Uttar Pradesh v. Ramsagar Yadav & ors. 1985**,⁴⁹ a farmer who denied paying bribe to the local police constable was detained and he has found that within 6 hours of said detention, with various bodily injuries. Subsequently The Supreme Court of India, convicted the accused constable and two others. In the case of **D.K. Basu v. state of West Bengal 1997**⁵⁰, the apex court issued various guidelines to combat custodial violence and torture behind the bars.

5. **Right against Solitary Confinement** – In **Kishore Singh Ravinder dev v. State of Rajasthan (1981)**⁵¹, Supreme Court defined Solitary confinement as a confinement in which there is complete isolation of prisoner from other co-prisoners and segregation from the outside world of fellow prisoners. Section 11 of Bharatiya Nyay Sanhita (BNS) provides that the maximum period of Solitary confinement is 3 months in whole.⁵² In the case of **Sunil Batra v. Delhi Administration 1980**⁵³, Supreme Court held that no solitary confinement or any other type of hard labour shall be imposed without judicial appraisal of the sessions Judge. This was the case where Supreme Court had considered the validity of solitary confinement.
6. **Right to Expression** – In the case of **State of Maharashtra v. Prabhakar Panduranga sangzgiri & another (1966)**⁵⁴, the Apex Court held that the Right to personal Liberty includes the right to write a book and get it published and when this right was exercised by a detenu, its denial without the authority of law violated Article 21.

Rights of Prisoners identified by the all India Committee on Jail Reforms 1980-83 (Mulla Committee)

The Mulla Committee suggests various guidelines for the protection of Rights of prisoners. Such as follows:

- Right to Human Dignity.
- Right to basic minimum needs.
- Right to meaningful and gainful employment.
- Right to communication.
- Right of access to law.

⁴⁹ *Uttar Pradesh v. Ramsagar Yadav & ors.*(1985) 1 SCC 552.

⁵⁰ *D.K. Basu v. State of West Bengal*(1997) 1 SCC 416.

⁵¹ *Kishore Singh Ravinder Dev v. State of Rajasthan* 1981 AIR 625.

⁵² Bharatiya Nyay Sanhita, 2023 (Act No. 45 of 2023), s. 11.

⁵³ *Sunil Batra v. Delhi administration*, (1980) AIR 1599

⁵⁴ *State of Maharashtra v. Prabhakar Panduranga sangzgiri & another* 1966 AIR 424.

- Right to premature release⁵⁵

Reformation and Rehabilitation

“Reformation, and not retribution, should be the real goal of imprisonment, for retribution ranks among the lowest of human motivations, whereas reformation is the loftiest, for it seeks the resurrection of the fallen and restoration of the errant.” Reformatory theory seeks to bring about a change in the attitude of the offender so as to rehabilitate him as a law abiding member of society. It condemns all kinds of corporeal punishment. The agencies such as parole and probation are recommended as measures to reclaim offenders to society as reformed persons. However, this theory is not successful for those who are habitual lawbreakers.⁵⁶

Mohammad Giasuddin v. State of Andhra Pradesh (1977)⁵⁷ is a landmark Supreme Court judgment focusing on prison reform, rehabilitation, and humane sentencing over retributive punishment.

Measures as to Reformation and rehabilitation

- 1. Education and skill development** – Education and skill development is one of the facets of reformation. It contributes to the overall development of an accused or prisoner.

One of the initiatives is the **One Jail One Product** Programme (Uttar Pradesh) launched in 2022, is a reform-focused scheme active in over 30 Jails to train inmates in specific, branded crafts to aid rehabilitation. This programme is covered under the One District One Product umbrella.⁵⁸

- 2. Prison Labour with fair wages** – Fair wages is the Fundamental Right under Article 23 of the Constitution of India.⁵⁹ In the case of **People’s Union for Democratic rights v. Union of India 1982**⁶⁰ Supreme Court observed that if the wages or remuneration provided to a person is less than the minimum wages, it falls within the periphery of the word ‘forced labour’ under Article 23.

Section 36A of the Prison’s Act 1894 provides that every convicted criminal prisoner employed for labour in prison and working satisfactorily shall be entitled to get such remuneration as may be prescribed by the state Government.⁶¹

⁵⁵ Government of India, *Report of the All India Committee on Jail Reforms*, 1980–1983 (Ministry of Home Affairs, 1983).

⁵⁶ Jharkhand Judicial Academy, *Reading material on criminal trial* 106 (JJA, Ranchi, 2024)

⁵⁷ *Giasuddin v. State of Andhra Pradesh* (1977) AIR 1926

⁵⁸ Government Uttar Pradesh, One District One product Scheme, available at: <http://odopup.in> (last visited on May 16, 2026).

⁵⁹ *Supra* note 14, art. 23.

⁶⁰ *People’s Union for Democratic rights v. Union of India* 1982 AIR 1473.

⁶¹ *Supra* note 22, s. 36A.

3. Open Prison and open correctional institution –Open Prison system is where the prisons are without boundaries and cells.

In 1952, the Hague Conference recommended the Open Air camps. It provides that those prisoners, who have spent satisfactorily a certain portion of the term of their sentence, should be transferred to open Air camps and allowed to leave a near-community life.⁶²

Year-wise Details of Persons Accessed Free Legal Aid Services under Legal Services Authorities Act, 1987 from 2019-20 to 2024-25

Year	Person Benefitted
2019-2020	12,12,137
2020-2021	6,31,758
2021-2022	63,69,643
2022-2023	12,14,769
2023-2024	15,50,164
2024-2025	7,59,778

*Source: Ministry of Law and Justice, Government of India, Year-wise details of Persons accessed Free Legal Aid Services under Legal Services Authorities Act, 1987 from 2019-20 to 2024-25,⁶³

Pre-Mature Release

The case of **Sonadhar v. State of Chhattisgarh (2021)**⁶⁴ addresses pending proposal of premature release

Rashidul Jafar @ Chota v. State of Uttar Pradesh⁶⁵ addresses premature release of Life Imprisonment convicts as per 2018 policy and also addresses that priority should be given to convicts above 70 years and those suffering from terminal ailments.

Laxman Naskar case gave Guidelines for decision on pre-mature release application under Section 473 of BNSS. Some of the guidelines are:

- Whether the offence is an individual act of crime without affecting the society at large?
- Whether there is any chance of future recurrence of committing crime?
- Whether the convict has lost his potentiality in committing crime?
- Whether there is any fruitful purpose of confining this convict anymore?

⁶² Government of India, Implementation of the recommendations of All-India committee on jail reform (1980-83) (Ministry of Home Affairs, 1985) s. 24

⁶³ Available at: <https://data.gov.in> (last visited on May 16, 2026).

⁶⁴ *Sonadhar v. State of Chhattisgarh* SLP (CrI) No. 529/2021.

⁶⁵ *Rashidul Zafar @ Chhota v. State of U.P. and another* 2022 (8) SCR 475.

- Socio-economic condition of convict's family.⁶⁶

Right to Release on Probation

Section 401 of the BNSS provides for release on probation of good conduct or after admonition instead of sentencing him to any punishment.⁶⁷

Section 479 of BNSS provides for the maximum period for which undertrial prisoners can be detained.⁶⁸

Conclusion

A framework based on human dignity and constitutional primacy has replaced the archaic notion of vengeance in the legal landscape of prisoners' rights. It is clear from examining both Indian and international laws that an individual's fundamental rights, with the exception of their freedom of movement, are upheld and enforceable even when they are constrained. The emphasis has shifted to reformation and rehabilitation through the integration of the Mulla Committee's recommendations and the judiciary's proactive "hands-on" approach. Bridging the gap between these legislative guarantees and the actual conditions of the prison system is the ultimate legal frontier. The emphasis has shifted to reformation and rehabilitation through the integration of the Mulla Committee's recommendations and the judiciary's proactive "hands-on" approach. Bridging the gap between these legislative guarantees and the actual conditions of the prison system is the ultimate legal frontier. Ultimately, the strength of a democracy is measured by how it treats those it has sequestered. To move "beyond the bars" requires a persistent commitment to human dignity, ensuring that the justice system doesn't just penalize a past, but actively facilitates a future.

⁶⁶ *Laxman Naskar v. Union of India* (2002) 2 SCC 595.

⁶⁷ *Supra* note 30, s. 401.

⁶⁸ *Id.* s.479.

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