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# An Eye-opener to Reality of Prisoners Right to Dignified Life: With Special Emphasis on Prisons in Jharkhand

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## ABSTRACT

*The fundamental right to life and liberty guaranteed under Article 21 of the Constitution of India is considered to be an inherent and basic human right, a right from which all other rights emanate. It is well-known that the domain of this right has been broadened time and again by various courts of India and it is ever evolving. Right to life is not restricted to a “mere animal existence”, but includes right to human dignity. This research paper is an attempt to highlight the importance of human dignity in light of few aspects of this right as a part and parcel of right to life. Judicial pronouncements on the evolving concept of right to dignity is touched upon. A critical analysis of the existing laws is done with special emphasis on the lacunas to be found in it. The research raises empirical questions on prisoners’ rights including right against torture, right to speedy trial, free legal aid, or fair treatment among many other rights. The status of women rights in prisons is also stressed upon. A jurisprudential aspect of deterrence or reformatory model and a need to have proper implementation of the rights of prisoners is also included in the paper. Through this research, by proposing certain recommendations, there is an effort to answer pertinent questions and scrutinize the wide ambit of Article 21 in the light of right to dignity of prisoners.*

**Keywords:** Article 21, Custodial violence, Fair Treatment, Human dignity, Prisoners’ rights.

## I. INTRODUCTION

Right to life and personal liberty is considered to be a natural right available to all persons without any discrimination. ““This right is enshrined in the Constitution of India under Article 21, guaranteeing the right to all the persons, irrespective of whether they are citizens of India or foreigners.” The wordings of the provision are kept short thus giving room to wide interpretations and hence the scope of this provision has over time been widened by the judiciary. “Right to live a dignified life is an intrinsic part of right to life, because it is believed

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that to live life means more than just physical existence and includes every basic necessity that makes life worth living with dignity.” This right has been interpreted by the courts to be a part of Article 21 of the Indian Constitution by way of various judgments.

Prisoners are also like any other person and deserve the right to live with the fundamental rights specified in the Indian Constitution. There are various classifications of detainees in a prison for example pre-trial, under-trial or convicted prisoners and they have different rights during the prison time frame. It is an established fact that the basic human rights cannot be abridged at any point of time, despite the fact of being imprisoned. Additionally, Indian courts engage through different cases to protect the rights of the prisoners. The thought behind securing these privileges of the detainees is to reinforce the way of thinking of the makers of the Indian Constitution. The Supreme Court of India has demonstrated genuine worry about the faulty jail administration and the amenities accessible to the prisoners convicted or awaiting judgment.

#### **(A) Research Methodology**

The research is a combination of both a *Doctrinal Research* and an *Empirical Research*. It is a research wherein a primary source of data is collected by conducting one-on-one interviews from the prisoners of Central Prison of Ranchi, Jharkhand. An analytical, descriptive and a qualitative research method is adopted. A critical analysis of the legal provisions and judicial pronouncements on the topic of research forms a large part of this paper. The contents of this paper are also taken from other secondary sources such as textbooks, articles, journals, and websites. The research has been deduced by taking certain generalized notions into account, a critical study of the problems and drawing specific solutions in the light of the current scenario.

#### **(B) Objectives and Scope of Research**

The rights of prisoners are recognized through different national and international statutes, as well as the judicial interpretations on the same. The main focus of this research paper is on rights of prisoners in the state of Jharkhand in India. The prisons of Jharkhand are reported among the top five states to have occupancy rate in prisons greater than hundred percentage, which implies an overcrowding in these prisons.<sup>2</sup> Also, the state of Jharkhand has reported highest number of prisoners per jail staffs.<sup>3</sup> These raise questions on adequate living conditions for the inmates and proper functioning of the prisons. Hence a need was identified to study the prisons in this state so as to better understand the reality of the situation and the causes for such

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<sup>2</sup> National Crime Records Bureau, Prison Statistics India, 2019 (as on 31.12.2019), Retrieved from: <https://ncrb.gov.in/sites/default/files/PSI-2019-27-08-2020.pdf>, Accessed on December 12, 2020

<sup>3</sup> Id.

conditions.

### **(C) Limitations of Research**

An empirical research is carried out for the paper. The interviews of different prisoners, jail staffs and police officers have given an insightful and a practical view of the ground reality of how effective are the current laws. However, there is a limitation in regard to geographical movements and meeting a greater number of persons given the current pandemic conditions. Due to this limitation, a major reliance has been placed on secondary data. Relying on the secondary data has the biggest limitation of authenticity of the data and applying the same for making an analysis for this research paper.

### **(D) Literature Review**

**Rao (2017)**<sup>4</sup> in order to derive a theory on dignity, has examined three different concepts of human dignity as a human right, and makes an argument that the interpretation by judiciary lacks consistency in view of these conceptions. **Shrivastava (2018)**<sup>5</sup> has studied the constitutional aspects of right to live with dignity, and scrutinized various judgments of the Indian courts, to determine numerous dimensions of dignity, including right to privacy and right to reputation.

**Vibhute (2016)**<sup>6</sup> in his paper has deliberated the rights of a convicted offender, one who is under rigorous imprisonment or even the one awaiting execution of death sentence. The author has emphasized that the fundamental rights and freedoms enjoyed by people are retained even after conviction, subject to the exception to move outside the prison.<sup>7</sup> The rights of the women prisoners are emphasized on by different authors. **Prasad and Katiyar (2018)**<sup>8</sup> have emphasized on the right against torture as a grave violation of human dignity.

There are different laws and judicial pronouncements in place to protect rights of prisoners. Model Prison Manual has been presented and there are various guidelines suggested by

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<sup>4</sup> Srikrishna Deva Rao, "Human Dignity and Human Rights: In Search of Theory", 16 *Journal of the National Human Rights Commission* 183-198 (2017), Retrieved from: [https://nhrc.nic.in/sites/default/files/nhrc\\_journal\\_2017.pdf](https://nhrc.nic.in/sites/default/files/nhrc_journal_2017.pdf) Accessed on December 1, 2020.

<sup>5</sup> Prashant Kumar Shrivastava, "Right to Live with Dignity: Constitutional Provision and Judicial Interpretation", 1(1) *Journal of Constitutional Law and Jurisprudence* 25-31 (2018), Retrieved from: [https://www.academia.edu/43757370/Right\\_to\\_Live\\_with\\_Dignity\\_Constitutional\\_Provision\\_and\\_Judicial\\_Interpretation](https://www.academia.edu/43757370/Right_to_Live_with_Dignity_Constitutional_Provision_and_Judicial_Interpretation) Accessed on December 9, 2020

<sup>6</sup> K. I. Vibhute, "Right to Human Dignity of Convict Under 'Shadow of Death' and Freedoms 'Behind the Bars' in India: A Reflective Perception", 58(1) *Journal of the Indian Law Institute* 15-54 (January – March 2016), Retrieved from: <https://www.jstor.org/stable/45163060?seq=1> Accessed on November 12, 2020.

<sup>7</sup> Id.

<sup>8</sup> Vishal Prasad and Shruti Katiyar, "Torture and Human dignity- An Indian Scenario", 5(2) *International Journal of Research and Analytical Reviews* 555 (April - June 2018), Retrieved from: [http://ijrar.com/upload\\_issue/ijrar\\_issue\\_841.pdf](http://ijrar.com/upload_issue/ijrar_issue_841.pdf) Accessed on December 1, 2020

different committees to reinforce the rights of prisoners and proper implementation of the laws.

### 1. Gaps identified

There are many existing literatures to be found on the different rights of prisoners, established by way of judicial interpretations or constitutional and international safeguards regarding the same. There is no doubt that prisoners are also persons and should not be deprived of their basic human rights. Various guidelines to protect these rights are also established, that exist in theory. However, there is a gap identified with respect to empirical data collection to cater to the actual study of the conditions of the prisons in order to check the reality of enforcement of these rights and the consequences of such enforcement of rights on the criminal justice system of the country.

## II. RIGHT TO HUMAN DIGNITY

The term “dignity” is derived from a Latin word “*dignitas*” which means worthiness and it is synonymous to the words ‘honour’ or ‘self-respect’. Dignity is related to an individual and protecting the individual’s integrity.<sup>9</sup> After the second world war, human dignity as a legal concept gained significance throughout the world and found its way into the constitutions of various countries. The Universal Declaration of Human Rights was the first to recognize internationally that every person has an absolute right to live a dignified life without any discrimination.<sup>10</sup> Later, International Covenant on Civil and Political Rights also overtly came to realize the inherent right to dignity of a human being.

The concept of dignity is believed to have various origins. According to the jurists belonging to the natural law theory, dignity is considered to be an inherent right which exists due to mere existence of a human being. It does not depend on other external factors such as caste, gender, education or society in which one lives.<sup>11</sup> It is thus an intrinsic right being a part of each individual due to the birth of such individual. Further, there is another conception of dignity which requires the government to provide certain basic requirements for decent living of the people.<sup>12</sup> Dignity means respect and it is not only individual respect but also demands mutual respect from fellow citizens of the society.

The framers of the Constitution of India were well aware of the importance of human dignity and its protection. The incorporation of the words “*assuring the dignity of individual and the*

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<sup>9</sup> Supra Note 5

<sup>10</sup> Universal Declaration of Human Rights, 1948, Article 1

<sup>11</sup> Supra Note 4

<sup>12</sup> Id. at 190

unity and integrity of the nation”<sup>13</sup> in the preamble of the Constitution of India, shows the intent of the constitutional makers to include dignity as a part of the essence of our constitution. Right to dignity is not otherwise mentioned anywhere in the Constitution of India. It has however over time been interpreted by the judiciary as being an intrinsic part of the fundamental right to life guaranteed under Article 21 of our Constitution.

#### **(A) Article 21 of the Constitution of India**

“A bare reading of Article 21 of the Constitution makes it clear that it safeguards two basic rights which are: (a) right to life and (b) right to personal liberty.<sup>14</sup> It is available to all persons, meaning thereby that both citizens and non-citizens can benefit from this provision available against the State. On prima facie reading of this provision, it is understood that it is negatively worded and according to few jurists the reason for doing so is that right to life is considered to be a birth right and there is no need to positively state the existence of such a natural right. However, as per few others, the provision is to be read harmoniously with the word “deprived” to give a positive implication of the negative wordings.”

It is to be understood that this right is not an absolute right as the provision itself provides for an exception of “procedure established by law”. Earlier there was a narrow interpretation of these words, where the court had taken a traditional approach and held that any procedure of law could take away this right of a person.<sup>15</sup> The reason stated behind this judgment was the constitutional history, where there was an omission to use the terms “due process” as used in the Constitution of the United States. This was regarded to mean that for curtailing this right to life and personal liberty of a person, the process of law need not necessarily be fair or just. However, the landmark judgment of “*Maneka Gandhi*” changed the whole perspective of the provision, and included the due process of law within its ambit.<sup>16</sup>

The scope of this right to life has been broadened time and again by various courts of India and it is ever evolving. The judiciary has provided wide connotations to the term “life” used in the provision, in order to give a better understanding of this right. The Apex Court of India accepted the view taken by the Supreme Court of the United States in the case of *Munn v. Illinois*<sup>17</sup> to interpret the term ‘life’ used in Article 21 of the Constitution to be more than “mere animal

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<sup>13</sup> Preamble to the Constitution of India

<sup>14</sup> Article 21 of the Constitution of India states, “No person shall be deprived of his life or personal liberty except according to procedure established by law”.

<sup>15</sup> A.K. Gopalan v. State of Madras, AIR 1950 SC 27

<sup>16</sup> Maneka Gandhi v. Union of India, AIR 1978 SC 597 held that the procedure established by law for depriving a person of his right to life must be just, fair and reasonable.

<sup>17</sup> 153 (1877) 94 U.S. 113

existence”.<sup>18</sup> Every limb or faculty through which life is enjoyed is thus protected by Article 21 and it includes the faculties of thinking and feeling.<sup>19</sup> It has been reiterated by Bhagwati J. that the bare necessities of life like sufficient food, clothing and shelter and also the conveniences of expressing oneself and freely moving about are all included within right to live with human dignity.<sup>20</sup> Thus, right to life under Article 21 is the only provision in the Constitution which has received the widest possible interpretation with the passage of time.

This right to dignity extends to the prisoners in custody as well, as they also come within the purview of the term “person” used in Article 21.<sup>21</sup> It cannot be said that the fundamental rights and freedoms enjoyed by a free person are taken away after conviction.<sup>22</sup> These rights are retained by them despite being convicted of any offence, subject to the exception of movement outside the prison.<sup>23</sup> The inherent right to dignity of an individual remains as a right with the prisoners as well, and all other rights which indirectly originate from this right also continue to flourish. The inhuman treatment of convicts when in custody, such as subjecting them to torture or forced labour or depriving them of the bare necessities of life, infringes their right to dignity. Further, a delayed trial for the under-trial prisoners, or delayed execution of death for a person on death row is also an infringement of their rights.

Article 14 guarantees right to equality, protects the citizens from any form of discrimination, and treats all persons as equal before the law. This right is incorporated under right to fair treatment which should be available in the prisons as well and there must not be any differential treatment of prisoners. This right to equality along with the basic freedoms under Article 19 are required to be read in consonance with Article 21, and not in isolation.<sup>24</sup> This forms the golden triangle of the Constitution, providing that the procedural requirements of Article 21 have to be tested for Article 14 and 19 as well.<sup>25</sup>

### **III. PRISONERS’ RIGHTS**

- 1. Right against custodial violence** – The prisoners are to be kept in safe custody of police, or magistrate as the case may be. “Custodial violence is considered to be an

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<sup>18</sup> *Kharak Singh v. State of U.P.*, (1964) 1 SCR 232 held that “life is not mere animal existence but embraces some of the finer graces of human civilization, which makes life worth living.”

<sup>19</sup> *Francis Coralie Mullin v. Administrator, Union Territory of Delhi*, (1981) 1 SCC 608

<sup>20</sup> *Id.*

<sup>21</sup> *Sunil Batra (II) v. Delhi Administration*, AIR 1980 SC 1579

<sup>22</sup> *Marshall, J. in Charles Wolff v. McDonnell*, 418 U.S. 539 (1974) held that “a prisoner does not shed his basic Constitutional rights at the prison gate and the imposition of any serious punishment within the prison system requires procedural safeguard.

<sup>23</sup> *Supra* Note 5

<sup>24</sup> *Maneka Gandhi v. Union of India*, AIR 1978 SC 597

<sup>25</sup> *Id.*

attack on human dignity. The Supreme Court in the landmark judgment of *D.K. Basu* has held custodial violence to be a blow at rule of law, a violation of the prisoner's right to dignified life and has given guidelines to prevent custodial violence.<sup>26</sup> Moreover, recognizing the women prisoners' rights, the court has emphasized on separate lock-ups for female prisoners and surprise visits to prevent custodial violence against prisoners.<sup>27</sup>

2. **Right to free legal aid** – The right to free legal aid is a part of fair procedure. The Courts have also recognized a link between Article 21 and right to free legal aid through various decisions. In case of *M.H. Hoskot*, the Apex Court held prisoners' right to free legal aid to be an integral part of fair procedure under Article 21.<sup>28</sup> The judiciary has accepted "effective access to justice" as a basic structure of the Constitution,<sup>29</sup> and free legal aid is a step towards effective access to justice.
3. **Right to speedy trial** – While dealing with the issue of speedy trial, the court displayed its shock at the situation of undertrial prisoners in custody in Bihar for years without receiving any legal representation, and held it to be violative of right to life of prisoners.<sup>30</sup> The court has also compensated the undertrial prisoners suffering due to violation of this right to speedy trial.<sup>31</sup>
4. **Right against solitary confinement** – Solitary confinement is considered to be a dehumanizing act, which must be curtailed as a punishment for violating the prisoners' right to dignity. The prisoners awaiting execution of death should not be kept in solitary confinement and be subjected to inhuman treatment.<sup>32</sup> Court has held that right to dignified life extends up to the time of death, and cannot be taken away for mere reason of being punished with death penalty.<sup>33</sup>
5. **Right against self-incrimination** – The tools like brain-mapping, narco-analysis, and polygraph tests are used to get the truth out of the mouth of the accused by the investigating officers. The Supreme Court has declared these methods as unconstitutional because of being it violative of the right against self-incrimination of the accused person, unless taken with his consent.<sup>34</sup>

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<sup>26</sup> *D.K. Basu v. State of West Bengal*, (1997) 1 SCC 416

<sup>27</sup> *Sheela Barse v. State of Maharashtra*, AIR 1983 SC 378

<sup>28</sup> *M.H. Hoskot v. State of Maharashtra*, (1978) 3 SCC 544

<sup>29</sup> *Central Coalfields Ltd. v. Jaiswal Coal Co.*, AIR 1980 SC 2125

<sup>30</sup> *Hussainara Khatoon v. Home Secretary, State of Bihar*, (1980) 1 SCC 81

<sup>31</sup> *Rudul Sah v. v. State of Bihar* AIR 1983 SC 1086

<sup>32</sup> *Sunil Batra v. Delhi Administration*, (1978) 4 SCC 494

<sup>33</sup> *Shabnam v. Union of India*, (2015) 6 SCC 702

<sup>34</sup> *Selvi v. State of Karnataka*, (2010) 7 SCC 263



6. **Right to fair treatment** – The right to equality of the persons extends inside the prisons as well. The prisoners cannot be subjected to any form of discrimination or unfair treatment inside the prisons, which is against their rights.
7. **Right to reasonable wages** – No person should be indulged in forced labour without being adequately paid for the work done. The court has declared that the prisoners have the same right to be paid minimum reasonable wages when they work inside the prisons.<sup>35</sup>

## (A) Legal Framework

### 1. Constitutional Protections

Part III of the Constitution of India protects the fundamental rights of the citizens of the country. There are certain provisions in the Constitution which specifically protects rights of prisoners, apart from Article 21 which assures right to life and everything within its ambit, as discussed in the previous section. Furthermore, the other fundamental rights like right to equality, right against exploitation, right of effective access to justice or freedom of religion continues to be available to the prisoners.

Article 20 of the Constitution protects the rights of persons from “conviction of offences.” While the first clause of the provision has “*ex-post facto laws*” in place,<sup>36</sup> the second clause protects the persons from “*double jeopardy*”,<sup>37</sup> and the third clause guarantees persons the “*right against self-incrimination*.”<sup>38</sup> In the Indian criminal justice system, there is a “presumption of innocence” and an attempt is made in every way possible to protect persons from being convicted even if there is a small iota of doubt created. Additionally, it is made certain not to inflict a greater degree of punishment as compared to the crime. Thus, this fundamental right has recognized the need to protect persons from conviction in such cases.

Article 22 of the constitution protects persons against arrests, and gives certain rights to persons arrested, like “right to be informed of the grounds of arrest”, “right to consult a lawyer”,<sup>39</sup> and right to be “presented before a magistrate within twenty-four hours of arrest.”<sup>40</sup> These rights are guaranteed in order to prevent the arrestee from any form of torture or inhuman treatment in custody by the police officers, thus protecting the dignity of such persons. These rights of arrestee are also reiterated under criminal procedures to arrest, elucidating the need to “refrain

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<sup>35</sup> Peoples’ Union for Democratic Rights v. Union of India, (1982) 3 SCC 235

<sup>36</sup> The Constitution of India, Art. 20(1)

<sup>37</sup> The Constitution of India, Art. 20(2)

<sup>38</sup> The Constitution of India, Art. 20(3)

<sup>39</sup> The Constitution of India, Art. 22(1)

<sup>40</sup> The Constitution of India, Art. 22(2)

from use of excessive force during arrest” among other factors.<sup>41</sup>

## 2. The Prisons Act, 1894

“It is one of the oldest legislations on regulating the prisons in India. The Act provides for security in prisons and has provisions only for securing the basic rights of prisoners, such as food, clothing, bedding, healthcare, and visitation rights. A careful analysis of this legislation shows that it lacks focus on the reformation of prisoners, and rather deal with the punitive measures.” This law was enacted during the colonial times and needs reconsideration.

## 3. International Aspect

The Universal Declaration of Human Rights, 1948 has recognized human right of dignity.<sup>42</sup> “Article 3 of the European Commission of Human Rights governs on prohibition of torture, relying extensively on the concept of human dignity”. “The International Covenant on Civil and Political Rights, 1966” prohibits outraging “right to personal dignity and provides for separate treatment of the accused persons as compared to convicted persons.<sup>43</sup>” “The United Nations Standard Minimum Rules for the Treatment of Prisoners” protects the rights of prisoners of nutritious food, adequate clothing, accommodation, hygienic conditions, medical facilities, and visitation rights, among many others.<sup>44</sup>

## IV. ANALYSIS OF INTERVIEWS

### (A) Methodology

A visit to the “*Birsa Munda Central Jail, Hotwar*,” in the capital city of Ranchi in Jharkhand was made to conduct face-to-face semi-structured interviews of the prisoners. A stratified random sampling is done where one convicted prisoner, one under-trial prisoner, a woman prisoner, as allowed by the police officer in the prison is selected for the interview. The objective of the study is to check the accessibility of basic necessities inside the prison, the grievances, if any, regarding violation of the fundamental rights of the people in the prisons of India and the probable causes and result arising out of these rights. The questionnaire of the interviews conducted has been provided as an appendix at the end of this research paper. It is to be noted that the questions were also translated into Hindi language for the convenience of the participants.

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<sup>41</sup> See the Code of Criminal Procedure, 1973, Chapter V (Arrest of Persons)

<sup>42</sup> Preamble to the Universal Declaration of Human Rights, 1948

<sup>43</sup> The International Covenant on Civil and Political Rights, 1966, Article 7; Article 10

<sup>44</sup> Retrieved from: <https://www.ohchr.org/Documents/ProfessionalInterest/treatmentprisoners.pdf> Accessed on 13.12.2020

**(B) Analysis**

Regarding the police torturing the prisoners, the responses received is in negative for the judicial custody, but the prisoners have agreed that they have been tortured in police custody. Further, they have agreed that police detain illegally and use forcible means to extract confessions. The prisoners were not informed of the grounds of their arrest and neither were they made aware of such a right to inform their relatives of the arrest. They were not even allowed to leave the interrogation room to use the washrooms when in police custody.

The prisoners are allowed to meet their relatives weekly, and paid visits are allowed even daily. They are allowed to talk over telephone weekly. There is a separate building for woman prisoners where no entry for male inmates or even male police officers is allowed. The washrooms are cleaned daily, but it is not believed that the prison is in hygienic condition for women.

With regard to the basic necessities of human life like food, clothing, lights, fans, ventilation, the interviewees have agreed that they are provided with these basic amenities inside the prison. In fact, the prisons also have facilities for recreation like library, television, facilities for games, tournaments are conducted, all festivals are celebrated.

There are doctors and a hospital in the prison. Inmates are paid reasonably for the work done. There are cemented beds for convicted offenders but undertrials sleep on the floors. No quilts are provided. CCTV cameras are available to keep a check. It is believed that the poor people do not have legal facilities and are often kept in prisons, despite being innocent. Prisoners kept in solitary confinement face a lot of problems and are in deplorable condition. There is overcrowding in the prison.

An analysis of the interview is that a majority of the interviewees were of the view that prisons are a good place to live, providing all facilities for enjoyment of the rights of prisoners, except for the fact of being cut off from the outside world. It is in fact also believed that the facilities provided are better for a poor person, who does not have a proper house to live in, and he then prefers committing a crime and enjoying his life inside the prison.

There is a lot of corruption and discrimination identified inside the prison. The authorities take advantage of their position of power and extort money from the detainees. In order to get a better facility, be it healthier food, proper accommodation for stay, or any other facility in the cell, everything is possible if one pays the authorities for the same. Poor prisoners are comparatively kept in miserable conditions. Also, the politicians are treated with special amenities like sofa, big cottage like place to stay, much better food (in fact supplied with non-

vegetarian food) unlike other prisoners.

Further, one of the interviewees also revealed that illegal activities take place inside the prisons, (like consumption of drugs or keeping mobile phones and pistols). But if there is a raid conducted on the prison, the prisoners are made aware of such a visit by the jail authorities a few days prior to such raid, so that the inmates make proper arrangements and hide such illegal items.

Thus, despite there being attempts to safeguard the prisoners' rights, it is concluded for this study that the prisoners are deprived of their rights in the prison of Ranchi. It is a place where a divide is created between rich and poor and the vulnerable are the ones in trouble. There should be measures taken to cure this deplorable condition of the prisons.

## **V. CONCLUSION**

The criminal justice system has been facing obstacles like shortage of judges in proportion to the litigants, and pendency of cases, which has resulted in poor accessibility of justice. Further, people with different circumstances like poverty, illiteracy, disabilities, are unable to seek justice as efficiently as compared to others despite the availability of laws, because of the gaps in the society that exists. Many laws, conventions and charters have directly or indirectly emphasized upon the importance of justice accessibility. An attempt should therefore be made to bridge this gap and make justice available to all. "Right to human dignity and to be treated as a human being play a significant role in making the administration of criminal justice 'humane'. The constitutional safeguards, in the form of fundamental right to life and personal liberty to every person, cannot be deprived of except in accordance to the procedure established by law. This puts a restraint on the state authorities, who cannot deny this right to human dignity even to convict-prisoners." "Constitutional courts, by their innovative interpretation of the key-rights, the right to life and liberty embodied in article 21 of the Constitution, have expanded horizons of the right by reading therein the attributes or contours that are required to make the right to life and liberty meaningful and not merely a symbolic constitutional right. The apex court time and again has asserted and has by this time become a rule that even the procedure intending to deprive a person of this fundamental right, must be fair, just and reasonable, and cannot be oppressive or whimsical. However, after the analysis of the practicality of the situation, by visiting the prison in Jharkhand, it is absolutely clear that the conditions of the prisoners are far from humane. Their treatments inside the prisons are taking away their very basic fundamental right to life and thus there is a strong need to implement the rules and procedure that has been established by the courts in a proper manner. It has been established

that although the rules are regulations are in place but an effective implementation is not there. This can be done by means of providing stringent statutory framework which guarantees for the punishment of any inhumane treatment that takes place, has a provision for surprise visits to the prisons to check the facilities available, and keeping a continuous eye on the prison officers by way of CCTV cameras. Thus, it is concluded that the right to a dignified life of prisoners continue to remain in danger if these recommendations are not taken into consideration and implementation of the same in an effective manner is essential, in order to protect the lives of the prisoners and improve the criminal justice system.”

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## VII. APPENDIX (QUESTIONNAIRE)

1. According to you, does the police torture prisoners? (Please select either one)  
Yes/ No/ Prefer not to say  
If YES, where according to you does the police torture prisoners? (Please select either one)  
In police custody/ In judicial custody/ Both

2. Have you ever been tortured by the police? (Please select either one)  
Yes/ No/ Prefer not to say
3. Whether the police detain persons illegally or on false grounds? (Please select either one)  
Yes/ No/ Prefer not to say
4. Do the police resort to forcible means to extract confessions? (Please select either one)  
Yes/ No/ Prefer not to say
5. When arrested, were you informed of your grounds of arrest? (Please select either one)  
Yes/ No/ Prefer not to say
6. Whether the jail staffs extort money from prisoners? (Please select either one)  
Yes/ No/ Prefer not to say
7. Are the prisoners allowed to meet their relatives when in prison? (Please select either one)  
Yes/ No/ Prefer not to say  
If YES, how frequently?  
Daily/ Weekly/ Monthly
8. Are the poor or indigent prisoners given facility of free legal aid? (Please select either one)  
Yes/ No/ Prefer not to say
9. Do the cells have proper ventilation? (Please select either one)  
Yes/ No/ Prefer not to say
10. Are the prisons kept in hygienic conditions? (Please select either one)  
Yes/ No/ Prefer not to say
11. How frequently are the washrooms cleaned? (Please select either one)  
Twice Daily/ Once Daily/ Alternate days/ Gap of greater than two days
12. Are there adequate sanitary requirements for women prisoners? (Please select either one)  
Yes/ No/ Prefer not to say
13. Are the women prisoners kept in separate cells? (Please select either one)  
Yes/ No/ Prefer not to say  
If YES, are the male inmates allowed inside the women cells? (Please select either one)  
Yes/ No/ Prefer not to say
14. Are there medical facilities and doctors available easily? (Please select either one)  
Yes/ No/ Prefer not to say

- 15.** Are the prisoners paid reasonable wages for the hard labour? (Please select either one)  
Yes/ No/ Prefer not to say
- 16.** What amenities are available in prisons? (Can select more than one option)  
Food/ Clothes/ Bed/ Fan/ Light/ Quilts/ Library/ Park/ Television/ CCTV Cameras/  
Video Conferencing/
- 17.** According to you, is the prison overcrowded? (Please select either one)  
Yes/ No/ Prefer not to say
- 18.** Are prisoners with political connections given special treatment in prisons? (Please select either one)  
Yes/ No/ Prefer not to say
- 19.** Do the prisoners get better facilities if they pay for the same? (Please select either one)  
Yes/ No/ Prefer not to say
- 20.** How according to you is the overall conditions and facilities in prisons?
- (1) For inmates who are poor \_\_\_\_\_
- (2) For inmates who have money \_\_\_\_\_
- (3) For habitual offenders \_\_\_\_\_
- (4) For undertrial prisoners \_\_\_\_\_
- (5) For prisoners under solitary confinement \_\_\_\_\_

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