

ABSTRACT

RIGHTS OF PRISONERS IN INDIA: A LEGAL ANALYSIS

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Our nation is known for its democracy and its rich culture but it is very sad that developing country just like India has no codified and specific legislation for the rights of the prisoners. Though, this fact cannot be rejected that our Honorable judiciary has not ignored the prisoners and recognized various rights for them through their judgments and interpretations; Moreover, the rights related to prisoners experienced a drastic change during the past decades as an increased consciousness about the desperate need of prison reform dawned on the people.

The prisoner is an individual who is a restraint to enjoy his liberty and capture under the prison or detention as a punishment of crime. Being a convict or being under trial does not reject the need for human rights for the survivals and protection of life.

This paper explains about existing Constitutional and Legal Framework in India to safeguard the prisoners' rights and also elucidates the various executive and judicial guidelines issued from time to time with respect to needs and care of prisoners. There are several international legal instruments that have contributed immensely to the progressive development of human rights of prisoners. This paper examines available instruments and compares them with the laws prevailing in India for providing protections to maintain their human rights and legal rights. The final part of paper submits various suggestions to refine the prevailing status of prisoners in India to acquaint them with the rights they deserve as humans.

KEYWORDS:

Prisoners; Rights; Legal Framework; Human Rights; Fundamental Rights; Prison reform.

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