



Right To Human Dignity with Reference to Prisoners' Rights

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Abstract

The right to human dignity is a fundamental principle that underlies many human rights protections. This abstract will explore the concept of human dignity with specific reference to the rights of prisoners. It will examine how the right to human dignity is recognized in international human rights law, and the obligations that this places on states to protect the dignity of all individuals, including prisoners.

Human Dignity is the most important and fundamental part of Human Rights. Article 21 of the Indian constitution also confers the same which lays down that dignity which otherwise used in moral, ethical and political discussions to signify that a person has every right to be treated at par with equal dignity and manner. However, this concept applies to the prisoners or jail inmates who have committed certain kinds of heinous crimes are also a part of getting this kind of treatment must be a question among many of us. The answer to this is affirmative one as regardless to the nature of crime thus committed prisoners do possess the right to life and personal liberty as defined under Article 21 of the Indian Constitution like any other human being. Since it is not an attribute or a interest which has to be protected like free speech or equality, but exists where there is a person as it confirms the equal worth of human beings.

The abstract will also consider the particular challenges that arise in relation to protecting the human dignity of prisoners, given the nature of the prison environment and the restrictions on prisoners' rights that are inherent in their confinement.

Keyword:– Human Dignity, Prisoners, Right to Dignity

INTRODUCTION

The concept of human dignity is essential to any discussion of prisoners in India, as it is a fundamental principle that should guide the treatment of all individuals, regardless of their circumstances.

Prisoners in India face a variety of challenges that can infringe upon their human dignity. Overcrowding, poor sanitation and hygiene, inadequate medical care, and violence among inmates are all too common in Indian prisons. Additionally, prisoners often face discrimination and mistreatment based on their caste, religion, or socio-economic status.

The Indian government has taken some steps to address these issues, including increasing funding for prison reform, improving infrastructure and medical facilities, and introducing measures to prevent violence among inmates. However, more needs to be done to ensure that prisoners' human dignity is fully respected and protected.

One important step that could be taken is to ensure that prisoners have access to legal representation and fair trials. Many prisoners in India are held without trial for extended periods, which violates their basic human

rights and undermines the principles of justice and due process.

Additionally, efforts should be made to provide education and vocational training programs to prisoners, which can help them acquire skills that will be useful upon release and increase their chances of successfully reintegrating into society.

Overall, the treatment of prisoners in India is a reflection of the country's commitment to human dignity and human rights. By improving conditions in prisons, providing access to legal representation, and investing in education and training programs, India can better uphold these values and ensure that all individuals, including those who have been incarcerated, are treated with the respect and dignity they deserve.

A prisoner cannot be ceased even if lodged inside a jail as he continues to be a human and therefore, is entitled to enjoy all his fundamental right including right to life.

MEANING OF HUMAN DIGNITY

The meaning of human dignity is the inherent value and worth of every individual, regardless of their background, social status, gender, or any other characteristic. It is the recognition that every person has a unique identity and individuality, and that they deserve to be treated with respect, compassion, and fairness.

Human dignity is a universal concept that is reflected in many legal and ethical frameworks, such as human rights, medical ethics, and social justice. It is often considered the foundation for human rights, as it emphasizes the importance of treating all human beings with equal respect and dignity.

The concept of human dignity is closely related to the idea of autonomy, which is the right of every person to make decisions about their own lives and to have those decisions respected by others. Together, human dignity and autonomy form the basis of many ethical principles and guidelines, such as informed consent and respect for privacy.

The meaning of human dignity highlights the importance of recognizing and valuing the inherent worth of every individual, and treating them with the respect, compassion, and fairness they deserve.

CONCEPT OF HUMAN DIGNITY

The concept of human dignity refers to the inherent value and worth of every human being, simply by virtue of their existence as a human being. It is the idea that every person has inherent dignity, and that this dignity must be respected and protected, regardless of their race, gender, age, religion, social status, or any other characteristic.

Human dignity is often seen as the foundation of human rights and the basis for ethical behavior. It recognizes that every human being has a unique identity and individuality, and that each person deserves to be treated with respect and compassion.

The concept of human dignity is reflected in many legal and ethical frameworks, such as the Universal Declaration of Human Rights, which states that "all human beings are born free and equal in dignity and rights," and the Hippocratic Oath, which requires physicians to treat patients with respect and dignity.

Ultimately, the concept of human dignity emphasizes the importance of recognizing the value and worth of every human being, and treating them with the respect and compassion they deserve.

HUMAN DIGNITY ACCORDING TO UN

The United Nations recognizes human dignity as a fundamental principle and a central value of the organization. The concept of human dignity is embodied in the Universal Declaration of Human Rights, which was adopted by the UN General Assembly in 1948 and has since been ratified by almost all member states.

According to the UN, human dignity is the inherent worth and value of every human being, and it is the basis for all human rights. The UN recognizes that all individuals are entitled to certain fundamental rights and freedoms simply because they are human, regardless of their race, gender, religion, or any other characteristic.

The UN promotes the protection and promotion of human dignity through a range of policies and programs, including efforts to address poverty, hunger, discrimination, violence, and other issues that can undermine human dignity. The organization also works to ensure that all individuals have access to

education, healthcare, and other basic needs that are essential for living a dignified life.

HUMAN DIGNITY IN INDIAN PROVISIONS

Human dignity is a concept that is enshrined in the Constitution of India and is recognized as a fundamental right. The Constitution of India guarantees the right to life and personal liberty to every individual, and this includes the right to live with dignity and respect.

In addition to the Constitution, there are several laws in India that recognize and protect human dignity. For example, the Protection of Human Rights Act, 1993, provides for the establishment of a National Human Rights Commission and State Human Rights Commissions to promote and protect human rights, including the right to dignity.

The Right to Education Act, 2009, recognizes the importance of education in promoting human dignity and seeks to provide free and compulsory education to all children between the ages of 6 and 14.

The Juvenile Justice (Care and Protection of Children) Act, 2015, seeks to protect the rights and dignity of children who are in conflict with the law or who are in need of care and protection.

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, recognizes the right to dignity of women in the workplace and seeks to prevent and redress sexual harassment.

Human dignity is a fundamental principle in Indian law and is recognized and protected through a range of legal and policy frameworks.

SIGNIFICANCE OF HUMAN DIGNITY

The significance of human dignity lies in its recognition of the inherent value and worth of every human being. Here are some key reasons why human dignity is important:

- **Protection of Human Rights:** Human dignity is the foundation of human rights. The recognition of human dignity ensures that every person is entitled to certain fundamental rights and freedoms simply because they are human. These include the right to life, liberty, and security of person, as well as the right to freedom of expression, belief, and religion.

- **Promotion of Equality:** Human dignity promotes equality by recognizing that every person has inherent worth and value, regardless of their background, race, gender, or any other characteristic. It emphasizes the importance of treating every person with respect and compassion, and of ensuring that everyone has equal access to opportunities and resources.
- **Respect for Autonomy:** Human dignity is closely related to the concept of autonomy, which is the right of every person to make decisions about their own lives and to have those decisions respected by others. The recognition of human dignity ensures that individuals have the freedom to make choices about their own lives, without interference or coercion.
- **Social Cohesion:** Human dignity promotes social cohesion by emphasizing the importance of treating every person with respect and compassion. It encourages people to recognize and appreciate the diversity of human experience, and to work together to build a more just and equitable society.

The significance of human dignity lies in its recognition of the inherent value and worth of every human being, and in its promotion of human rights, equality, respect for autonomy, and social cohesion.

Human Dignity and Human Rights

Human rights and human dignity are closely related concepts, as human rights are founded on the principle that all human beings are entitled to equal and inherent dignity and worth.

Human dignity refers to the inherent value of every individual, regardless of their race, gender, religion, or other characteristics. It is the recognition that every person has a fundamental right to respect, and that this right should not be violated or compromised in any way.

Human rights, on the other hand, are the legal and moral entitlements that are inherent to every individual, by virtue of their humanity. These include civil and political rights, such as the right to freedom of speech and the right to a fair trial, as well as economic, social, and

cultural rights, such as the right to education and the right to adequate housing.

Human rights are designed to protect and promote human dignity, by ensuring that all individuals are treated with respect and given the opportunity to live a fulfilling and meaningful life. When human rights are respected and upheld, individuals are able to realize their full potential and contribute to society in meaningful ways.

In order to fully respect and protect human dignity, it is essential that human rights are upheld and promoted. By recognizing the inherent value and worth of every individual, and by ensuring that they are able to exercise their rights and freedoms, we can create a society that is just, equitable, and inclusive for all.

Prisoners Right to Human Dignity

Human dignity is a fundamental right that every individual is entitled to, including prisoners. However, the reality of human dignity in Indian prisons can be challenging due to various factors such as overcrowding, poor living conditions, inadequate healthcare, and violence.

Overcrowding is a significant problem in Indian prisons, with many prisons operating at over 150% capacity. This leads to poor living conditions, lack of privacy, and inadequate access to basic facilities such as toilets and clean water, which can be degrading and infringe on human dignity.

In addition to poor living conditions, prisoners in India may face violence and abuse from other inmates or prison staff. Instances of custodial violence, torture, and sexual abuse have been reported, which can result in physical and psychological harm and further degrade human dignity.

Prisoners in India also have limited access to healthcare, which can lead to serious health problems going untreated. The lack of access to adequate medical treatment can be degrading and infringe on human dignity, especially when it results in unnecessary pain and suffering.

To address these issues, the Indian government has taken steps to improve prison conditions, including increasing funding for prison reforms and introducing new legislation to protect prisoners' rights.

However, more needs to be done to ensure that prisoners are treated with respect and dignity and that their human rights are protected.

Need of Human Dignity for Prisoners in India

Human dignity is a basic human right that every person is entitled to, including prisoners in India. The need for human dignity for prisoners in India is crucial for several reasons.

Firstly, prisoners are human beings and deserve to be treated with respect and dignity, regardless of their past actions. The denial of human dignity can have a profound impact on prisoners' mental and physical well-being and can lead to increased levels of aggression, depression, and other negative outcomes.

Secondly, human dignity is necessary for the effective rehabilitation and reintegration of prisoners into society. When prisoners are treated with respect and given access to opportunities for education, training, and employment, they are more likely to successfully reintegrate into society and lead productive lives after their release.

Thirdly, the need for human dignity is particularly important in the Indian context, where prison conditions are often substandard and overcrowded. Providing prisoners with basic necessities such as food, clean water, and healthcare, as well as ensuring their safety from violence and abuse, is crucial for protecting their human dignity.

Finally, upholding prisoners' human dignity is essential for promoting human rights and the rule of law in India. By ensuring that prisoners are treated with respect and dignity, the Indian government can demonstrate its commitment to protecting human rights and upholding the rule of law, both of which are essential for a healthy and functioning democracy.

Right to Life with Human Dignity under Article 21 of Indian Constitution

The Indian Constitution recognizes the right to life and personal liberty as a fundamental right under Article 21. This right includes the right to live with human dignity, which has been interpreted by the Indian judiciary to

encompass a broad range of rights and protections.

The Supreme Court in *Olga Tellis v. Bombay Municipal Corporation* recognises the right to life with human dignity under Article 21 of the Indian Constitution includes the right to basic necessities such as food, water, shelter, and healthcare. This right also extends to the right to live in a clean and healthy environment, free from pollution and other environmental hazards.

The Supreme Court has been proactive in interpreting the right to life with human dignity under Article 21 to include various aspects of life, including basic necessities and a clean environment.

Furthermore, the right to life with human dignity includes the right to be protected from violence and abuse, including custodial violence and police brutality. This right also encompasses the right to privacy and personal autonomy, including the right to make decisions about one's own body and reproductive health.

The Indian judiciary has also interpreted the right to life with human dignity to include the right to education, the right to a fair trial, and the right to legal representation. This right also encompasses the right to be free from discrimination based on gender, caste, religion, or other factors.

In recent years, the Indian judiciary has increasingly recognized the importance of the right to life with human dignity in the context of prisoners' rights. This includes the right to basic necessities such as food, water, and healthcare, as well as the right to protection from violence and abuse.

Indian Judiciary Approach to Prisoners Right to Dignity

The right to dignity of prisoners is a fundamental human right that is recognized and protected under international law and the Indian Constitution. The Indian judiciary has played a crucial role in upholding this right by issuing several landmark judgments and orders.

One of the key contributions of the Indian judiciary in upholding the right to dignity of prisoners has been to interpret the provisions of the Indian Constitution in a manner that protects prisoners' human rights. For example,

in the case of *Sunil Batra v. Delhi Administration*, the Supreme Court held that the prohibition against cruel, inhuman, and degrading treatment under Article 21 of the Indian Constitution applies to all persons, including prisoners. It is a landmark judgment of the Supreme Court of India that recognized the right to dignity of prisoners under Article 21 of the Indian Constitution.

The judiciary has also issued orders and directions to ensure that the basic needs and rights of prisoners are met. For instance, in the case of *Re-Inhuman Conditions in 1382 Prisons* (2017), the Supreme Court issued directions to address the issue of overcrowding in Indian prisons, including the provision of basic amenities such as food, water, and medical care.

The judiciary has also taken steps to ensure that prisoners are protected from violence and abuse. In the case of *Sheela Barse v. State of Maharashtra* (1983), the Supreme Court issued directions to protect the rights of women prisoners, including the right to protection from sexual abuse and harassment. Sheela Barse case is a significant judgment of the Supreme Court of India that recognized the need to protect the rights of women prisoners and ensure that they are not subjected to sexual abuse and harassment.

In addition, the judiciary has recognized the importance of providing opportunities for rehabilitation and reintegration of prisoners into society. In the case of *Charles Sobhraj v. Superintendent, Central Jail, Tihar*, the Supreme Court held that the purpose of imprisonment is not only punitive but also reformatory, and that prisoners must be provided with opportunities for education, training, and employment.

Charles Sobhraj case is an important judgment of the Supreme Court of India that recognized the importance of providing opportunities for rehabilitation and reintegration of prisoners into society.

The Indian judiciary has played a critical role in upholding the right to dignity of prisoners by interpreting the provisions of the Indian Constitution in a manner that protects prisoners' human rights and by issuing orders and directions to ensure that prisoners' basic needs and rights are met. By upholding the dignity of prisoners, the judiciary is

promoting the values of justice, equality, and respect for human rights in India.

ISSUES AND CHALLENGES BEFORE PRISONERS IN INDIA

The issues and challenges faced by prisoners in India can also have a significant impact on their human dignity. Here are some examples:

- **Lack of Privacy:** In many Indian prisons, prisoners have limited or no privacy, with many sharing overcrowded cells or dormitories. This can lead to a lack of personal space and can make it difficult for prisoners to maintain their dignity.
- **Stigmatization:** Prisoners in India can face stigmatization and discrimination, both inside and outside of the prison system. This can impact their sense of self-worth and can make it difficult for them to reintegrate into society after their release.
- **Violence and Abuse:** Violence and abuse are also significant issues in Indian prisons, with reports of physical and sexual abuse, torture, and extrajudicial killings. These practices not only violate the human rights of prisoners but also undermine their dignity and sense of self-worth.
- **Lack of Access to Education and Employment:** Many prisoners in India have limited access to education and employment opportunities, which can impact their ability to lead a dignified life after their release. This can also perpetuate cycles of poverty and marginalization.

The issues and challenges faced by prisoners in India can have a significant impact on their human dignity. It is important for policymakers and stakeholders to recognize and address these issues in order to ensure that prisoners are treated with respect and compassion, and that their human rights and dignity are protected.

SUGGESTIONS

Here are some suggestions for improving the human dignity of prisoners in India:

1. **Ensure Adequate Living Conditions:** The living conditions in prisons must be improved to ensure that prisoners have access to basic amenities such as clean water, adequate nutrition, and hygienic facilities. Overcrowding must be

addressed, and efforts should be made to provide prisoners with some degree of privacy.

2. **Promote Rehabilitation:** The focus of the prison system should be on rehabilitation and reintegration, rather than punishment. Efforts should be made to provide prisoners with access to education and vocational training, as well as mental health and substance abuse treatment.
3. **Address Violence and Abuse:** Efforts must be made to prevent and address violence and abuse in prisons, including the implementation of accountability mechanisms and training for prison staff on human rights and dignity.
4. **Promote Restorative Justice:** Restorative justice practices should be promoted, which emphasize the importance of repairing harm and restoring relationships between victims, offenders, and the community. This can help to promote healing and prevent recidivism.
5. **Respect for Human Rights:** The human rights of prisoners should be respected and protected, including their right to humane treatment, freedom from torture and abuse, and access to legal representation.
6. **Promote Social Reintegration:** Efforts should be made to promote the social reintegration of prisoners into society, including programs to address stigma and discrimination, and to provide support for housing, employment, and other basic needs after release.

It is important to recognize that prisoners are entitled to their human dignity, and to take steps to ensure that their rights are protected and that they are treated with respect and compassion.

CONCLUSION

In conclusion, the issue of human dignity for prisoners in India is of great importance, and addressing it requires a multi-faceted approach that involves policymakers, civil society organizations, and the public. Ensuring that prisoners are treated with respect and compassion, and that their human rights are protected, not only promotes their well-being but also contributes to building a just and humane society. By addressing the

issues and challenges faced by prisoners in India, and promoting the principles of rehabilitation, restorative justice, and respect for human rights, we can work towards a more equitable and dignified society for all.

The right to human dignity is fundamental to all human beings, including prisoners in India. Despite the challenges and issues faced by prisoners in India, it is important to recognize and promote their human dignity, as it is crucial to their well-being and reintegration into society. To achieve this goal, policymakers and stakeholders must work together to address issues such as overcrowding, poor healthcare, violence, and abuse in prisons, while also promoting restorative justice, rehabilitation, and social reintegration. By upholding the human dignity of prisoners, we can create a more just and compassionate society that respects the fundamental rights of all individuals, regardless of their circumstances.

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