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Right to Healthcare for Prisoners in India

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ABSTRACT

This paper attempts to critically examines the state of healthcare and medical rights for prisoners in India within the framework of constitutional guarantees, legal provisions, and international human rights standards. Despite the constitutional recognition of the right to health under Article 21, the Indian prisons suffer from various challenges such as overcrowding, poor sanitation, inadequate medical infrastructure, and neglect of mental health and gender-specific needs. The study explores the original meaning of prison and its evolution to reformative approach emphasizing healthcare, including the relevance of the Prison Act, 1894, and the Model Prison Manual, and highlights key judicial pronouncements that have reinforced prisoners' healthcare rights. Furthermore, the article analyses the role of judiciary, legal aid organizations and public interest litigation in enforcing prisoners' rights. Lastly, it argues that access to quality healthcare in prisons is not merely the State's obligation but a constitutional imperative and an essential rights for every prisoners.

KEYWORDS

Prisoners' Rights; Healthcare in Indian Prisons; Article 21; Prison Reform; Medical Rights; Prison Act 1894; Women Prisoners; Mental Health; Public Health Policy; Judicial Activism; Model Prison Manual; Human Rights

INTRODUCTION

Prison is a place where people are confined either as punishment for a crime they have committed or while awaiting trials. The Indian prison system has its root in the British colonial era. And

the primary focus of this system was characterized by controlling and punishing of prisoners rather than reform and rehabilitation. However, in the present context, the role of punishing a convict is shifted to reformative approach. Prisoners also have a right to live in conditions that guarantee their individual safety, and the most important subject of prisoner's welfare is their right to medical care. India's approach to medical and healthcare rights of prisoners has evolved over time and the conditions of Indian prisons remain a critical issue that urgently demands attention.

MEANING AND EXPLANATION

According to Sethana, "Prisons are those places where the convicted person is kept or where the person on whom proceedings are going on in the courts are kept".¹ Historically, imprisonment was based on punishing those who committed a crime against society, by inflicting suffering of the body- similar to the pound of flesh depicted within Shakespeare's Merchant of Venice. In contrast, today's imprisonment is no longer simply intended as an acute form of corporal punishment, but a method by which to work on a person's mind as well as his body, through three distinct areas- which include Punishment, Deterrence and Rehabilitation.² However there are some serious issues that need to be pondered as in India, prisons are grappling with problems of overcrowding, poor sanitation, inadequate healthcare and high levels of violence. And again, the situation is particularly dire for vulnerable populations, including prisoners with disabilities and those from marginalized communities. A prisoner is also guaranteed certain rights, and every prisoner should be treated as a person. In the case of *State of Andhra Pradesh v Chalia Ramkrishna Reddy & Ors*³, the Supreme Court held that a prisoner is entitled to all his fundamental rights unless his liberty has been constitutionally curtailed.

CONDITIONS OF PRISONERS IN INDIA

Health and hygiene conditions in Indian prisons are severely inadequate. Medical facilities are limited, with a shortage of doctors, mental health professionals, and nurses. Mental healthcare is especially neglected, despite high stress and isolation levels among inmates. Poor sanitation facilities, compounded by overcrowding, lead to unsanitary conditions. Many prisons lack adequate bathrooms, clean drinking water, and regular cleaning, contributing to the spread of infectious diseases. Inmates often face nutritional and basic amenities

¹ 'Prison system: Role and Reforms Made w.r.t. India' (Ipleaders Blog, 22 June 2024) <https://blog.ipleaders.in> accessed 7 June 2025

² Kiran R Naik, 'The Problem of Prisoners: An Analysis' (2019) 6(2) *IJRAR*

³ (2000) 5 SCC 712

challenges. Food quality is generally poor, lacking necessary nutrients. Essential supplies like bedding, clothing and hygiene products are scarce, with many prisoners sleeping on floors in poorly ventilated, overcrowded spaces. The lack of clean clothing, blankets and hygiene item further diminishes the quality of life for inmates.⁴

Women in prison make up a special category within the prison population, largely because of their gender and class differences. Female inmates are a minority of prison populations worldwide, generally accounting from between 2 % and 9 % of a country's prison population. Most of the crime where women are incarcerated for non-violent and land- or alcohol linked. Women prisoners serve mostly short terms. Also, most women in prison are mothers, and their children are usually the primary or sole caregivers. Women prisoners have diverse health needs, in particular, in terms of their physical and mental wellbeing. These records elevated levels of post-traumatic stress disorders. Women in prison have higher rates of mental health issues than both the general population and the male inmates. There is a close association between the criminal behaviour of a woman and her emotional and physical disorder. Drugs also carry a key to a woman's offending. A high percentage of women in jail suffer from a drug addiction, and rates of illicit substances use among women are frequently higher than among male inmates. Women are at greater risk of entering prison with HIV, hepatitis C, sexual health needs and STIs like chlamydia, gonorrhoea and syphilis than men. Three times as many women as men report having witnessed abused before their incarceration, whether physical or sexual. The delivery of health services in prisons needs to consider the sex and gender-specific needs of women in health care, which should be tailored which provided in a holistic and compassionate way.⁵

RIGHT TO HEALTHCARE FOR PRISONERS IN INDIA

Right to healthcare for prisoners should be prioritised as the most important right, including better sanitation, medical staff access, and regular health screenings' Mental health services are also essential due to high stress and isolation among inmates. Every prison should offer counselling and rehabilitation. The COVID-19 pandemic has also highlighted the need for routine health screenings and isolation facilities for contagious diseases, along with improved sanitation.⁶ Hence, healthcare is widely recognised

⁴ Aryan Kumar. Prisoners' Rights and Conditions in Indian Jails: Universal Human Rights. Nov 2024 Research Gate.

⁵ Women's Health in Prison. Correcting gender inequity in prison health. Copenhagen, WHO Regional Office for Europe, 2009 (http://www.euro.who.int/_data/assets/pdf-file/0004/76513/E92347.pdf)

⁶ Prabhakar P. & Mehra V. (2020) Health and hygiene in Indian jails: A

as a crucial and fundamental right for prisoners, alongside other basic needs like adequate food, water and safe living conditions. The Indian constitution, especially Article 21, guarantees the right to life and personal liberty, which include the right to health and adequate medical care for prisoners.

Prisoners represent a heterogeneous community which belongs to socially diverse and economically disadvantaged parts of society with limited awareness of health and healthy lifestyles. There is ample evidence that inmates in India are at elevated risk of mental illness including self-harm and are particularly vulnerable to multiple communicable diseases. The wellbeing of jails, combined with abysmal living conditions and inadequate quality of medical care, is a matter of great concern for human rights. However, the concept and subsequent need to view prison health as an essential part of public health and is poorly recognised in India as a strategic investment to reach out to individuals and communities from the primary health system ambit.⁷ In *Union of India v Mool Chand Khairati Ram Trust*,⁸ Article 25 of the Universal Declaration of Human Rights specifies that: all have the right to an adequate standard of living for the health and well-being of themselves and their families, including food, clothes, accommodation and medical care and essential social services, and the right to protection in the event of unemployment, illness, disability, widowhood or old age.

The primary legislation governing prisons in India is the Prison Act 1894, which lays down the basic framework for the management and administration of prisons across the country. The Act provides for the establishment of medical facilities within prisons and mandates the appointment of qualified medical officers to attend to the health needs of prisoners. Additionally, various state governments have enacted rules and regulations under the Prisons Act to further regulate health care services in prisons.⁹ Also, Section 24 and Section 26 of the Prison Act of 1894 deals with provisions of examination of prisoners by qualified Medical Officers

- Every prisoners shall be examined by the Medical Officer and he shall enter in a book, to be kept by the jailer, a record of the state of the prisoner's health, and of any wounds or marks on his person, the class of labour he is fit for if

critical analysis. *Journal of Law 7 Public Health*, 9 (3), 149-161.
<https://doi.org/10.1016/j.jlph.2020.08.007>.

⁷ Bobbala Jyothermai. Rights of Prisoners in India with Respect to Healthcare. *Journal of Legal Studies and Research*. Vol 7 Issue 4. July 2021.

⁸ (2018) 8 SCC 321

⁹ The Prison Act, 1894, India.

sentenced to rigorous imprisonment and observations which the Medical Officer thinks fit to add

- Female prisoners have the right to be examined by a lady matron under the special or general orders of the Medical Officer.
- No prisoners shall be removed from one prison to another unless the Medical Officer certifies that the prisoners is free from any illness rendering him unfit for removal
- No prisoner shall be discharged against his will from prison, until in the opinion of the Medical Officer, such discharge is safe.

Before sending a pregnant woman to jail, the concerned authorities must ensure that the jail has the basic minimum facilities for child delivery, pre-natal and postnatal care. Pregnant and lactating women are to be provided with a better diet as well as facilities to boil water and milk. Gynaecological examinations of prisoners are to be performed in District Government Hospitals. As far as possible, except in the case of high-risk prisoners, arrangements for temporary release are to be made to enable delivery of children in a hospital outside the prison. Suspension of sentence may also be considered in the case of casual offenders. Further, the birth certificate of the child should not mention the prison as place of birth to protect them against social stigma.¹⁰

Moreover, the National Health Policy (NHP) also provides overreaching guidance on healthcare delivery in India, including within the prison system. The NHP emphasizes the importance of ensuring equitable access to healthcare services for all individuals, regardless of their socio-economic status or legal status. It underscores the need for strengthening healthcare infrastructure, enhancing human resources, and improving the quality of healthcare services in prisons.¹¹ Further, there is the Model Prison Manual, developed by the Ministry of Home Affairs, Government of India, that serves as a comprehensive guide for prison administrations on various aspects of prison management, including healthcare provisions. The manual lays down standards and procedures for procuring medicines and medical equipment for prisoners.¹²

It is to be noted that the enforcement of medical and healthcare rights for prisoners in India often relies on judicial interventions and oversight mechanisms. Though the Constitution and other

¹⁰ Legal Rights of Prisoners in India. National Human Rights Commission of India. Rights of Prisoners (C) 2021

¹¹ Ministry of Health and Family Welfare, Government of India. National Health Policy 2017.

¹² Ministry of Home Affairs, Government of India. Model Prison Manual. 2016.

legal frameworks provides various basic rights and healthcare facilities to the prisoners, it is the judiciary who plays a crucial role in interpreting and enforcing them through its judgments and directives. One such significant case that affirmed the importance of ensuring medical and healthcare rights for prisoners is *Hussainara Khatoon v State of Bihar*.¹³ The court emphasized that denial of medical care to prisoners amounts to a violation of their fundamental rights under Article 21 of the Constitution, which guarantees the right to life and personal liberty. Similarly, in *v State of Maharashtra Manubhai Pragaji Vashi*,¹⁴ the Supreme Court held that the failure to provide medical treatment to a prisoner in need constitutes a violation of the state's duty towards its citizens and is contrary to the principles of human dignity and social justice. The court reiterated that the right to healthcare is inherent in the right to life and personal liberty and must be upheld without discrimination, including for prisoners.

In addition to delivering judgments in specific cases, the judiciary in India has also issued directives and established monitoring mechanisms to ensure the implementation of medical and healthcare rights for prisoners. For instances, in response to a public interest litigation (PIL) filed by social activists, the Supreme Court issued comprehensive guidelines in the case of *In Re: Inhuman Conditions in 1382 Prisons* (/2016) to address issues related to prison overcrowding, inadequate healthcare facilities and prison welfare. These guidelines laid down specific measures to improve medical services, including the appointment of qualified medical staff, provision of essential medicines, and regular medical check-ups for prisoners.¹⁵

Legal aid and advocacy organizations play a pivotal role in safeguarding the medical and healthcare rights of prisoners by providing legal assistance, raising awareness about prisoners' entitlements, and advocating for policy reforms. Organizations such as the Commonwealth Human Rights Initiative (CHRI) and the National Legal Services Authority (NALSA) have been actively involved in litigating cases related to prison conditions and advocating for improvements in healthcare services for prisoners.¹⁶

¹³ AIR 1979 SC 1369

¹⁴ AIR 1996 SC1

¹⁵ *In Re: Inhuman Conditions in 1382 Prisons* , (2016) 3SCC700.

¹⁶ Commonwealth Human Rights Initiative (CHRI), Prison Reform. <http://www.humanrightsinitiative.org/programs/aj/prison-reforms>; National Legal Services Authority (NALSA), Legal Services to Prisoners <http://nalsa.gov.in/legalservices-prisoners>.

MAJOR ISSUES

However, despite the existence of Constitutional safeguards, legal and policy frameworks of the Government of India, along with International Commitments, the implementation of medical and healthcare rights for prisoners in India faces significant challenges. These challenges stem from various factors, including resource constraints, overcrowding in prisons, inadequate infrastructure and systemic deficiencies within the criminal justice system.¹⁷ Thus, prison healthcare systems in India are often plagued by resource constraints, including insufficient funding, shortages of medical personnel and inadequate infrastructure. The budget allocated for prison healthcare is often insufficient to meet the growing health needs of prisoners, leading to deficiencies in medical supplies, equipment and facilities. The shortage of qualified medical professionals within correctional facilities exacerbates the challenges of providing timely and quality healthcare services to prisoners.¹⁸ India's prison suffers from chronic overcrowding and inadequate infrastructure, which further compounds the challenges of ensuring medical and healthcare rights for prisoners. Overcrowding not only strains the capacity of prison healthcare systems but also increases the risk of infectious diseases and mental health issues among prisoners. Moreover, inadequate infrastructure, including lack of proper sanitation facilities and medical wards, undermines efforts to provide comprehensive healthcare services within correctional facilities.¹⁹

CONCLUSION

It is to be accepted by all that prisoners should enjoy minimum fundamental rights, even while incarcerated. The harsh reality is that majority of the prisoners in India belong to the poor, uneducated, ignorant and marginalized section of the society who has limited access to knowledge and awareness about their health care facilities and lifestyle practices. It is not only true that the right to adequate healthcare is one of the basic rights for prisoners, but it is also important to understand and consider that this rights is not only crucial but the most significant rights for prisoners.

¹⁷ Shivam Singh. Medical and Healthcare Rights of the Prisoners- A Critical Study. International Journal of Research Publication and Review. Vol 5 No.5

¹⁸ Anup Surrendranath and Aparna Chandra. Healthcare in Prisons in India: A Public Health and Rights Perspective. Indian Journal of Medical Ethics. Vol 3. No.4. 2016.

¹⁹ Commonwealth Human Rights initiative (CHRI). Prison in Indias. 2016 (online) <https://www.humanrightsinitiative.org/publications/prisons-in-india-a-report>.