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The National Human Rights Commission and its Role in Protection of Human Rights of Incarcerated Women in India: An Analytical Study

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ABSTRACT

Human Rights are inalienable and inherent in every human being before his birth in this universe and remain with him even after the death. The rights which are inalienable and inherent cannot be separated from any human being including the incarcerated women. This article focused on the protection of human rights of incarcerated women those are kept in prison, which is beyond the vicinity of general public. Because the incarcerated women are segregated from the society, there are more chances that the state-controlled prison and the prison administration may hamper on the human rights of incarcerated women. The National Commission tasked not only as a watch dog but also a warrior to protect the rights of incarcerated women.

KEY WORDS

Human Rights, Incarcerated Women, National Human Rights Commission.

INTRODUCTION

The Human rights violative activities of Government Authorities are the basis of criticisms of Government on both National and International level. It was in the wake of criticism of India for suppression of human rights that the President of India promulgated an ordinance on September 28,1993 with a view to provide for the setting up of a National Human Rights Commission, Human Rights Commission in States, and Human Rights Courts for the better protection of Human Rights and for matters connected therewith or incidental thereto.

The National Human Rights Commission established under the Protection of Human Rights Act-1993, functions from New Delhi with jurisdiction all over India.

Since the National Human Rights Commission came into being, it has focused to a fair extent, on violation of human rights by the organs of the State, the prison and prisoner's rights.

The function of commission as described under Section-11 of the Protection of Human Rights Act-1993¹ are following:

The commission shall perform all or any of the following functions:

- (a) Inquiry suo-moto or on a petition, presented to it by a victim or any person on his behalf, into complaints of:
 - (i) Violation of human rights or abetment thereof, or
 - (ii) Negligence in the prevention of such violation, by a public servant,
 - (iii) Vsits under intimation to the State Government, any jail or any institution under the control of State Government, where persons are detained or lodged for purposes of treatment, reformation or protection, to study the living conditions of the inmates and make recommendations thereon,
- (d) Review the safeguards provided by under the Constitution or any law for the time being in force for the protection for human rights and recommend measures for their effective implementation.

For the above-mentioned function conferred on the Commission, The Commission since its establishment works for the protection of the human rights of woman prisoner and their protection.

Review of the Laws, etc.

- (a) Implementation of Treaties and the other International Instruments: Convention Against Torture-1984. Pursuant to the Commission's recommendation, the Government of India signed 'The Convention Against Torture-1984' on 14 October 1997. However, even after 29 years has been passed, the convention not yet ratified by the India. such delay from the hand of India give rise to serious concerns, not only within our own Country but also at major external forums. The bodies related to the treaty also has serious concerns about such type of behaviour of India. The law enforcement agencies of the Country also adversely affected to secure the extradition of those internationally wanted criminals those had been involved in serious crimes.

This has been of detriment of the national interest. The National Commission repeatedly submitted that; a long interval of time has been passed since the India is signatory party of this convention. As specified previously, Article-21 of the Constitution of India has been already covered this dimension effectively. The Supreme Court of India through its various judgments established the right against torture has been a Fundamental Rights, the delay therefore is deeply embracing our Country. This incomprehensible stand of our county also made hopeless to those who are interested in the better protection of the human rights.

The ratification of this document is in the interest of incarcerated women, because prison is the isolated place where there are more chance of doing torture against them.

The need to re-write the Indian Prisons Act-1894 was initially raised by the Commission in 1994 and has been pursued ever since progress to alter their Acts and Manuals along contemporary lines having recently been made in certain States.²

In addition, the Commission has made continuous efforts to address issues such as over-crowding in jails, the lack of sanitation, delays in trial, the health of prisoners, the payment of wages, the remission of sentences and the release of prisoners sentenced to life imprisonment on number of occasions through its various reports.

- (b) **Review and Proposed Overhaul of the Prisons Act, 1894** The National Human Rights Commission lawfully recognized that the Prisons Act of 1894 was obsolete and needed to be entirely repelled with a modern legislative framework. Therefore, the National Commission of Human Rights had been constituted an Expert Committee on March 18, 2015. This Committee was Chaired by the Principal Secretary of Home (Jails) for Punjab. This committee was tasked with drafting all-inclusive amendments in to the Prisons Act-1984, to carry the Prisons Act 189, into conformity with contemporary human rights standards, which is applicable with the directions of Hon'ble Supreme Court of India, and also obligatory to international

conventions. The final draft of the amended legislation was submitted by the Committee on February 8, 2019. before the National Commission, then after scrutinized by the National Commission it was sent to the Ministry of Home Affairs for their consideration.³

- (c) **Review of the Prevention of Torture Bill, 2017:** For the protection of prisoners and detainees from custodial violence, the National Human Rights Commission took up the analysis of the draft Prevention of Torture Bill, 2017. The Commission held an Open House Discussion on November 15, 2018, to advocate for the enactment of a comprehensive domestic law aligned with the UN Convention Against Torture. During these reviews, the Commission recommended expanding the statutory definition of torture and establishing designated courts to try cases of custodial violence to expedite justice for victims whose human rights violated by the administration.⁴
- (d) **Amendments to the Protection of Human Rights Act (PHRA), 1993** Under Section 12 of the PHRA, 1993, the NHRC continuously reviews existing laws to recommend measures for the effective implementation of human rights safeguards,. As part of its ongoing legal review, the Commission proposed amendments to Section 30 of the PHRA, 1993. These amendments seek to facilitate the operationalization of Human Rights Courts by explicitly defining “human rights offences”—which inherently encompasses custodial violence and prisoner abuse—specifying punishments, and outlining the procedures these designated courts must follow to ensure speedy justice.⁵

Complaint Before the Commission

The Commission has been received a wide range of complaints each year relating to human rights violation. Varieties of cases has been registered by the National Human Rights Commission as well as various State Human Rights Commissions. Each year a large number of complaints has been registered with regards to the custodial torture in police custody and also during judicial custody. Some-times these tortures lead to the death of the persons those were under the custody of administrative authorities. Many times the Commission suo-moto took the cognizance of the matter and started their inquiry relating the human rights violation.

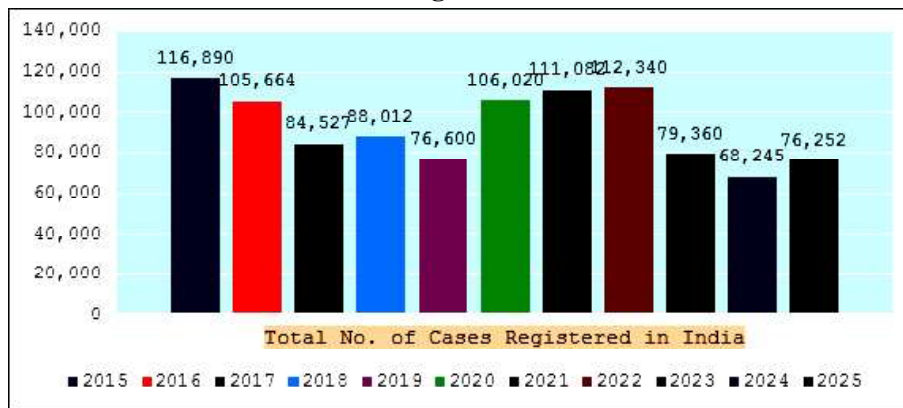
A table of summary of number of cases registered before the commission is given hereunder:

Table 1

| Calendar Year | Total No. of Cases Registered in India | Total Cases Registered in Chhattisgarh |
|------------------|--|--|
| 2015 | 1,16,890 | 2412 |
| 2016 | 1,05,664 | 2185 |
| 2017 | 84,527 | 1940 |
| 2018 | 88,012 | 2115 |
| 2019 | 76,600 | 1890 |
| 2020 | 1,06,020 | 2345 |
| 2021 | 1,11,082 | 2680 |
| 2022 | 1,12,340 | 2510 |
| 2023 | 79,360 | 1920 |
| 2024 | 68,245 | 1765 |
| 2025 | 76,252 | 2012 |
| TOTAL NO. | 10,24,992 | 23774 |

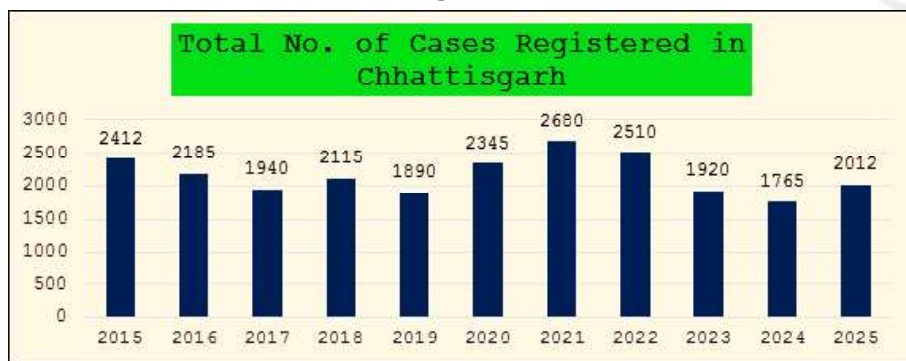
(Source: Annual Reports of NHRC)

Figure 1



(Source: Annual Reports of NHRC)

Figure 2



(Source: Annual Reports of NHRC)

Important Observations

- **The “COVID Spike” (2020–2022):** It has been noticed from the following graph that, a sharp increase in cases during the years 2020 and 2022. This was largely due to the NHRC’s active role in monitoring rights violations during lockdowns, including issues related to migrant labour, healthcare access, and custodial oversight.
- **Nature of Incidents:** By observing the graph it may be concluded that, nearly **90%** of these cases are registered under the “Others” category (civil/social rights), while approximately **10%** specifically involve custodial deaths, including in jail and police high-handedness, and atrocities against marginalized communities.
- **State-wise Concentration:** As of the latest 2025 report, **Uttar Pradesh** continues to account for the highest volume of registered cases (approx. 35%), followed by **Delhi, Bihar, and West Bengal**.
- **2025 Proactive Stance:** In 2025, the Commission registered 113 suo-motu cases, demonstrating a highly proactive approach compared to previous years.

Table 2: Custodial Death Registered in N.H.R.C.

| Calendar Year | Cases Registered in India | Cases Registered in Chhattisgarh |
|---------------|---------------------------|----------------------------------|
| 2015 | 1,589 | 49 |
| 2016 | 1,670 | 61 |
| 2017 | 1,616 | 56 |
| 2018 | 1,636 | 54 |
| 2019 | 1,797 | 55 |
| 2020 | 1,586 | 56 |

| | | |
|------|-------|----|
| 2021 | 1841 | 61 |
| 2022 | 2367 | 91 |
| 2023 | 2,356 | 93 |
| 2024 | 2,184 | 61 |
| 2025 | 2,368 | 95 |

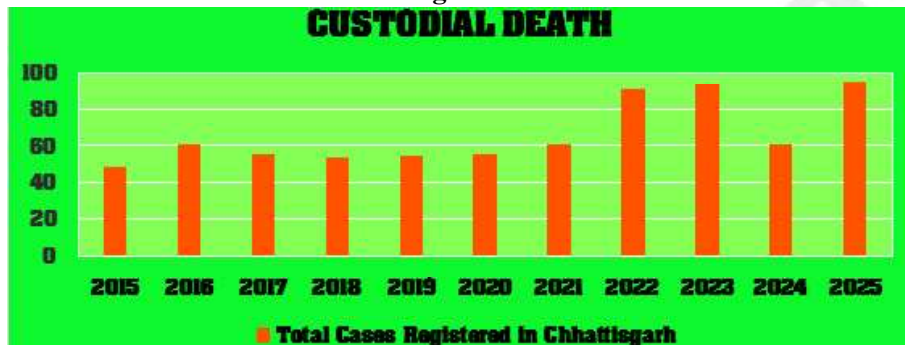
(Source: Annual Reports of NHRC)

Figure 3



(Source: Annual Reports of NHRC)

Figure 4



(Source: Annual Reports of NHRC)

Some notable work done by the Commission relating to human rights protection of prisoners, including incarcerated women are following-

I. Cases of Custodial Death and Violence in Judicial Custody

Case Name: *In re Death of UTP Saikat Ganguly (Subo)*

Case No: 231/25/5/2014-JCD

Incident: The Commission took cognizance of the death of a 25-year-old under-trial prisoner at Dum Dum Central Correctional Home, Kolkata (W.B.). The inquest and post-mortem reports revealed fresh marks of assault and multiple injuries on the body. A judicial enquiry concluded that the deceased had been assaulted by police personnel from the Noapara Police Station prior to his judicial custody, leading to his death.⁶

2. Custodial Death due to Medical Negligence (Andhra Pradesh)

Case Name: *In re Death of Convict Prisoner Thota Chenchu Maddilety*

Case No: 2756/12/38/2014

Incident: The prisoner died in the custody of Central Jail, Kadapa. Upon reviewing the medical records and expert opinions, the Commission concluded that there was medical negligence in the treatment provided to the prisoner. The Commission held the State vicariously liable for the negligence of its public servants.

Action: A show-cause notice was issued to the Government of Andhra Pradesh recommending monetary compensation of ¹ 2,00,000 to the next of kin.⁷

3. Corruption and Mismanagement in Jails (Uttar Pradesh)

Case Name: *In re Shri Rajiv Yadav*

Case No: 640/24/78/2020

Complaint: The complainant alleged severe mismanagement and corruption within Kasganj Jail. The allegations included the deprivation of basic amenities and the necessity for prisoners to bribe jail officials to secure fundamental needs like food and bedding. The Commission directed strict action against the officials involved.⁸

2. Corruption and Lack of Amenities (Jharkhand)

Case Name: *In re Ramgarh Jail Corruption*

Case No: 187/34/23/2022

Complaint: The Commission addressed allegations that prisoners in Ramgarh Jail were deprived of basic amenities and were forced to pay bribes to jail officials to obtain food and a bed.⁹

III. Policy Guidelines and Monetary Relief

- **Decongestion and Digitization:** The Commission has recommended that jail authorities maintain a website with records of prisoners' sentences to assist in decongestion efforts.
- **Standardized Compensation:** The NHRC has adopted specific guidelines for monetary relief in cases of custodial death. Adopting the "Haryana Policy," the Commission fixed compensation at **₹ 7,50,000** for victims of torture resulting in death (or deaths resulting from inmate violence) and **₹ 5,00,000** for other custodial death cases.¹⁰

Some relevant paragraph has been extracted from the Annual Reports of the National Human Rights Commission, which are associated with the prison and prisoner, including incarcerated women.

Annual Report 2015–2016

Jail Visits Conducted: During the 2015 to 2016 the Commission visited different jails in India, included District Jail Kangra (Himachal Pradesh), District Jail Ghumla (Jharkhand), Central Jail Faridkot (Punjab), District Jail Rohtak (Haryana), and Model Jail Chandigarh.¹¹

Key Findings

- **Undertrial Population:** An analysis of prison population data revealed that 67.2% of the total prison population were undertrials. States like Uttar Pradesh, Bihar, and Punjab reported the highest rates of overcrowding.¹²
- **Infrastructure:** The Commission emphasized the need for better sanitation, potable water, and the constitution of Boards of Visitors in all prisons.¹³

Annual Report 2016–2017

Jail Visits Conducted: During the 2016 to 2017 the Commission visited different jails in India, included Central Prison Kannur (Kerala), District Jails Simdega and Lohardaga (Jharkhand), Yerwada Jail (Maharashtra), and District Jail Meerut (Uttar Pradesh).¹⁴

Key Findings:

- **Custodial Safety:** The Commission flagged the "rampant" nature of custodial violence and torture, noting that such acts represent a systemic failure to protect the most vulnerable.¹⁵
- **Healthcare:** Specific inquiries into custodial deaths revealed negligence by jail hospitals in providing timely medical care, such as failure to treat tuberculosis or heart conditions adequately.¹⁶

Annual Report 2018–2019

Visits Conducted: During the 2018 to 2019 the Commission visited different jails in India, included visit were made to Tihar Jail (Delhi), Central Jail Gwalior (Madhya Pradesh), Central Jail Nashik (Maharashtra), and Model Jail Chandigarh.¹⁷

Key Findings:

- **Procedural Gaps:** The inspections highlighted the need for Standard Operating Procedures (SOP) regarding investigations into torture.
- **Reforms:** An Open House discussion based on these visits recommended better handling of foreign prisoners, women prisoners, and the release/rehabilitation of long-term inmates.¹⁸

Annual Report 2019–2020

During the 2019 to 2020 the Commission visited different jails in India. This period saw detailed findings from specific jails:

- **Arthur Road Central Jail (Mumbai):** The infrastructure was found to be over 100 years old and in need of renovation. There was a severe medical staff shortage (posts created for 800 inmates versus a population of 3400) and only 20 hospital beds were available against a requirement of 150.¹⁹
- **Yerwada Central Jail (Pune):** The jail held 5868 inmates against a capacity of 2449. The Rapporteur noted that 167 undertrials had been imprisoned for over 5 years and recommended constructing a new jail outside the city limits.²⁰
- **Bhopal Central Jail (Madhya Pradesh):** While the jail had modern designs, it housed 3455 inmates against a capacity of 2600. Wages paid to inmates for rigorous imprisonment were found to be low and non-compliant with BPRD guidelines.²¹
- **Colvale Central Jail (Goa):** Inspection revealed laxity by the State Sentence Review Board, with 22 prisoners detained despite completing 14 years of imprisonment.
- **Central Jail Jorhat (Assam):** The jail was operating at 111% capacity with a 70% undertrial population. It was recommended that undertrials be mandatorily provided with datasheets detailing their offence and maximum punishment.²²

Annual Report 2020–2021

Jail Visits Conducted: During the 2020 to 2021 the Commission visited different jails in India, included Special Rapporteurs visited Faridabad Jail (Haryana) and Model Jail Chandigarh.²³

Key Findings:

- **Faridabad:** Recommendations included installing CCTVs and jammers, increasing convict wages, and speeding up trials to reduce overcrowding.
- **Chandigarh:** The Commission recommended creating extra barracks and starting initiatives similar to the Tihar Jail Factory (e.g., sanitary pad manufacturing, crèches).
- **COVID-19 Impact:** A significant portion of findings related to the pandemic, leading to advisories on decongestion, medical screening, and isolation facilities within prisons.²⁴

Annual Report 2021–2022

Jail Visits Conducted: During the 2021 to 2022 the Commission visited different jails in India, included A team led by an NHRC Member visited Lajpore Central Prison, Surat (Gujarat).²⁵

Key Findings:

- **Health Crisis:** The visit was prompted by reports of high Tuberculosis (TB) prevalence. The Commission recommended screening every inmate for TB and HIV every six months.
- **Medical Segregation:** It was recommended that Multi-Drug Resistant (MDR) inmates be kept separate from non-resistant inmates.
- **Legal Aid:** The Commission suggested involving law students to assist legal aid lawyers and ensuring high-speed internet for court proceedings via video conferencing.²⁶

Annual Report 2022–2023

Jail Visits Conducted: During the 2022 to 2023 the Commission visited different jails in India, included visits of Beur Central Jail and Chapra District Jail (Bihar), Central Jail Hazaribagh (Jharkhand), and Central Jail Shimla.²⁷

Key Findings:

- **Surveillance:** Following a suicide in Tihar Jail, the Commission inspected police stations in Delhi-NCR and found that many were not fully compliant with Supreme Court directions regarding the installation of CCTVs with audio recording and night vision.²⁸

Annual Report 2023–2024

Jail Visits Conducted: During the 2023 to 2024, the Commission visited different jails in India, included Inspections covered Almora District Jail (Uttarakhand), Gumla and Chaibasa Jails (Jharkhand), and Central Jail Bathinda (Punjab).²⁹

Key Findings:

- **Almora (Uttarakhand):** Old barracks required replacement with double-storied structures. There were a shortage of warders and a need for a new district jail in Pithoragarh to alleviate overcrowding.
- **Gumla & Chaibasa (Jharkhand):** The Commission noted issues regarding drug addiction among inmates and undertrials awaiting release due to a lack of surety. A permanent doctor's post was advocated for.
- **Odisha & West Bengal:** Findings emphasized the need for de-addiction centers inside prisons, filling medical officer vacancies, and ensuring hygienic sanitation facilities, including the disposal of sanitary pads.
- **Bathinda (Punjab):** Following the death of a newborn in custody, the Commission recommended a separate enclosure for women with children and enhanced medical care.³⁰

CONCLUSION

It may be concluded that, the reports of the National Commission from 2015 to 2024 reveals that the approach of Commission is steadily and comprehensively towards the protection of human right of incarcerated women in India. The Commission does not taken the human rights violation as an administrative issue but it is taken as the problems associated with the criminal justice system of our country.

There are three important issues has been highlighted by the National Commission, these are:

- 1. The Overcrowding in Prisons:** The National Commission of Human Rights submitted that, the judiciary in India specially the lower judiciary excessively directed for the pre trial detention of the accused person rather than providing them bail. It created unavoidable pressure on the prison system, because they are created with the intention to punish the individual and to be treated as correction home and not to be as a temperory detention centre, which otherwise overburden the system which is ultimatly collapsed the whole system.
- 2. Procedural Inefficiency:** The whole criminal justice system is not up to the mark according present international standards. The criminal justice system of Indian is developed during colonial era, to control the native peoples at that time and not for to provides human rights and for their protection. After the independence it was the obligation of the state to change or overhaul the system according to the goals which are set forth in the Constitution of India. But the State failed in this part. All three organs of criminal justice system have to be restructured so that they will obligates to the protection of human rights of incarcerated women.
- 3. Scio-Economic inequality:** The National Commission found (through its reports) there is a socio-economic disparity among the peoples of India. Some people have better approach towards their human rights and some of them not.

REFERENCES

1. Nat'l Human Rights Comm'n, www.nhrc.nic.in. (last visited 01/01/2026)
2. Nat'l Human Rights Comm'n, Annual Report 1993-1994, 88 (1994).
3. Nat'l Human Rights Comm'n, *Annual Report 2014-2015* 86-88 (2015)
4. Nat'l Human Rights Comm'n, Annual Report 2019-2020 40 (2020).
5. Nat'l Human Rights Comm'n, Annual Report 2014 -2015, 246 (2015).
6. Nat'l Human Rights Comm'n, Annual Report 2019-2020 70 (2020).
7. Nat'l Human Rights Comm'n, Annual Report 2018-2019 35, 165 (2019).
8. Nat'l Human Rights Comm'n, Annual Report 2020-2021 293 (2021).
9. Nat'l Human Rights Comm'n, Annual Report 2022-2023 10 (2023).
10. Nat'l Human Rights Comm'n, Annual Report 2021-2022 137 (2022).
11. Nat'l Human Rights Comm'n, Annual Report 2015-2016 88 (2016).
12. Id. at 90.
13. Id. at 285.
14. Nat'l Human Rights Comm'n, Annual Report 2016-2017 72 (2017).
15. Id. at 39.
16. Id. at 42.
17. Nat'l Human Rights Comm'n, *Annual Report 2018-2019* 75 (2019).
18. Id. at 76.
19. Nat'l Human Rights Comm'n, Annual Report 2019-2020 47 (2020).
20. Id. At 48.
21. Id at 49
22. Id at 50.
23. Nat'l Human Rights Comm'n, Annual Report 2020-2021 79 (2021).
24. Id at 59.
25. Nat'l Human Rights Comm'n, Annual Report 2021-2022 50 (2022).
26. Id at 51.
27. Nat'l Human Rights Comm'n, Annual Report 2022-2023 140 (2023).
28. Id. At 193.
29. Nat'l Human Rights Comm'n, Annual Report 2023-2024 120-125 (2024).
30. Id at 121-125.
