



RAJASTHAN HIGH COURT
**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Civil Writ Petition No.11417/2008

Peoples Watch Rajasthan

-----Petitioner

Versus

State of Rajasthan & Others

-----Respondents



For Petitioner(s) : None present
For Respondent(s) : Ms. Suman Shekhawat. Dy. GC

JUSTICE ANOOP KUMAR DHAND

Order

15/01/2026

Reportable

It is said that no one truly knows a nation until one has been inside its jails. A nation should not be judged by how it treats its highest citizens, but its lowest ones.

Nelson Mandela

Prisons are built with stones of law, but their spirit must be that of humanity.

Justice V.R. Krishna Iyer

The notion that prisoners are also human beings, entitled to a life of dignity is a cornerstone of modern Indian Constitution Laws, even 79 years after independence from the colonial-era. Prisons Act, 1894 focused primarily as punitive and inhumanly, the post independence legal framework has transitioned and towards a reformative and rehabilitative approach.

The modern justice system aims at reforming the inmates by not just punishing them but aiming to restore their self-respect



and prepare them for reintegration into the society at large. The Indian law prohibits practices that dehumanize the prisoners. Prisoners are entitled to adequate food, clean drinking and washing water and medical care.

Model Prisons and Correctional Services Act, 2023 has been enacted to address these issues. The Ministry of Home Affairs has introduced this Act to encourage the State Legal Remembrancer, focusing on rehabilitation, legal aid and better inmate treatment inside the Jails.

India follows United Nations Standard Minimum Rules for the treatment of Prisoners (Nelson Mandela Rules, 2015), which emphasises that all inmates (prisoners) must be treated with the respect due to their inherent dignity.

While the legal and constitutional powers in India strongly guarantees a dignified life for prisoners, the practical application faces significant systematic changes. Continued efforts in prisoners reforms, such as the 2023 Model Act, aim to bridge the gap between legal provisions and governing legal statutes.

“Whether inspite of having so many reforms for the prisoners still they are facing great difficulties, while remaining in Jails, for example not getting proper drinking and washing water and facing several practical difficulties, which have not been determined by the authorities concerned.”

This issue is required to be adjudicated in this petition.

1. The instant writ petition has been filed by the petitioner with the following prayer:-



"It is, therefore, prayed that your lordships may very graciously be pleased to admit and allow this writ petition and the respondents may kindly be directed to provide entire things which are using by the prisoners in daily use and directed to change the Rule -120 of Rules-1951, in which the quantity of washing soda $\frac{3}{4}$ oz. to a male prisoner and 1.1/2 oz. for a female prisoner, which is very less quantity and the proper supply of drinking water and water for washing the clothes etc.

Any other order which this Hon'ble Court deemed just and proper in the facts and circumstances of the case may also be passed in favour of the petitioner."

2. By way of filing this writ petition, a prayer has been made for issuing appropriate directions to the State authorities to provide washing soda (detergent) to the male and female prisoners and to provide proper drinking water and water for washing clothes for the inmates, under trial prisoners and convict prisoners in the various District and Central Jails in the State of Rajasthan.

3. It is averred in the petition that as per Rule 52 of the Rajasthan Prison Rules, 1951 (for short "the Rules of 1951"), there will be bathing arrangements for prisoners in proper manner and as per Rule 114 of the Rules of 1951, the prisoners shall wash their clothes once in a week and the jail authorities will provide *sajji matti* or soap nuts to the jail inmates for the purpose of washing their clothes and as per Rule 120 of the Rules of 1951, every prisoner shall be required to wash clothes at least once in a week usually on Sunday morning and washing soda at $\frac{3}{4}$ oz. each per week would be provided to the male prisoners and 1.1/2 oz. each per week would be provided to the female prisoners.



4. As per the contents of the writ petition, the aforesaid quantity of the washing material is very much less and meager and the same is not adequate for the purpose of proper washing and maintaining personal hygiene.

5. For the aforesaid purpose, the instant writ petition has been preferred by the petitioner, who is alleged to be a human rights activist. However, today none has put in appearance on behalf of the petitioner.

6. Learned counsel appearing on behalf of the State-respondents submits that all washing facilities and washing material is being provided to the inmates of the jail whether they are male or female as per the prevalent Rules. Hence, under these circumstances, interference of this Court is not warranted.

7. Heard and considered the submissions in part.

8. The right to personal hygiene, and sanitation is one of the prisoners' primary human rights but those facilities can roughly be accessed by prisoners in India. Despite having enacted laws, the country cannot provide the required amount of facilities relating to sanitation and hygiene. The main cause behind such failure is ignorance of the administrative body, continuous corruption in the regulation of prisons, lack of funding for a new installation of lavatories and facilities relating to personal hygiene e.g. clean water supply for cooking, drinking, wash basin and women's sanitary facilities and hygiene facilities during menstruation. The



juvenile detention centers are also neglected and they should get priority relating to any reformation.

Since prisoners are also humans, treating them with compassion may encourage them to undergo self-reformation. However, the primary barrier preventing inmates from reforming is the current jail system. The denial of the right to sanitation to imprisoned populations is not only a form of punishment, torture, and abuse, but it also occurs because there are inadequate and unhygienic sanitation facilities. Government intervention is required to guarantee that jails and prisons have sufficient and safe sanitary facilities as well as that all inmates can use them on a regular basis and maintain their personal hygiene without fear by offering a clean, healthy atmosphere, cozy sleeping quarters, and wholesome food. Government organizations, non-government organizations and civil society should take the lead in transforming the current prison system into a correctional facility. Women and juvenile offenders ought to receive the same treatment. Though, sanitation and personal hygiene facilities are not vital for reforming prison cells into rehabilitation centers only, by improving those facilities, prisoners can start living with dignity which is their constitutional right as well.

9. Prisons are meant to primarily reform people. Instilling a sense of hygiene and sanitation is a very vital step towards ensuring that these reformed individuals are also healthy citizens, as a healthy body leads to a healthy mind. Following are the constituents of hygiene:-



- 1- Personal hygiene- brushing and bathing
- 2- Kitchen hygiene- the common eating facility shared by the inmates
- 3- Hygiene of cells
- 4- Prison healthcare facilities
- 5- Lavatories in prisons



10. The All India Prison Reforms Committee, also known as the Mulla Committee, worked on the aspect of prison reforms between 1980-1983. The committee had submitted a report, detailing how the existing set up of jails could be improved. They had covered all the aspects like medical, administrative, hygiene, etc.

In 2015, the Ministry of Home Affairs (for short "MHA") submitted another report, which detailed the implementation of the aforementioned report, which disclosed the following points:

- 1- There seems to be a lack of water based flush type toilet in jails. In some states like Uttar Pradesh and Haryana, there reportedly was a 50 per cent shortage of such toilets.
- 2- There is also a major dependence on open pan based toilets- with Haryana, Tamil Nadu and Uttar Pradesh, having a major chunk of their toilets in jails in this form. There is an urgent need to discard this system and use water based flush toilets.
- 3- Many states have not taken any steps to assess the status of prison sanitation, hygiene, kitchen and treatment of sick prisoners. Furthermore, no mandate has been set for medical officers, psychiatrists and psychiatric social workers. It was also found that in about nine states and Union



territories, no post of Medical Officers has been created to look into the healthcare of detainees in jails and correctional homes.

4- However, a major positive aspect that has been found is that, in about 23 States and Union Territories, the medical officer's post has been designated to be second only to the Jail Superintendent. This has enabled this post to assist the Jail Superintendent in all major activities; especially helping the Jail Superintendent in emergency situations.

11. The International Committee on Red Cross (ICRC), has come up with a set of stringent norms to ensure that detainees are allowed equitable access to basic amenities associated with maintenance of hygiene and sanitation.

With regards to water, these measures have been suggested :

- 1- Availability of water 24 hours a day
- 2- There should be adequate water purification and portable systems available. These must also adhere to WHO standards.
- 3- There should be different entry points for men, women and juveniles to water. Furthermore, there should be multiple sources of water in order to avoid conflict.
- 4- There should be adequate water sources installed throughout the detention facility, at different places, for optimum usage.



5- "Ground reservoirs" or "water towers" should be available to hold water for emergency purposes.

With regards to toiletry system, these measures have been advised:

1- Construction of one toilet to cater to 25 detainees. There should be similar provisions for single or multiple holding cells to ensure immediate and sufficient access.

2- There should be availability of one shower per 50 detainees with allowance for a bath at least 3 times per week.

3- Each toilet block must be equipped with one tap for availing the facility of washing hands.

Cleaning and maintenance of toilets:

1- This could be carried out by forming a dedicated team of detainees specifically delegated with this task.

2- They should be equipped with requisite machinery and means, which are to be kept in a concentrated storage space.

3- The dedicated team should be given adequate training and mandate to manage the cleaning system.

4- In case, a situation arises when the toilets are blocked or becomes out of commission, urgent action should be undertaken to ensure that the hygiene conditions do not worsen.

With regards to women:

1- Women should be able to avail secured entry to toilets throughout 24 hours



2- These toilet facilities should be situated in a secured location, wherein women prisoners don't feel any risk while trying to gain access.

3- Extra facilities should be made available to women who are pregnant, lactating, under a menstrual cycle or taking care of relatively young children.

4- There should be sufficient facilities available for women to avail bathing. They should have access to amenities like soap and fresh towels etc. to carry out this activity well.

5- Women should be provided with suitable sanitary products to deal with menstruation (including disposal of materials) with dignity and privacy. Detainees should be provided with a sufficient supply of such products to meet individual needs.

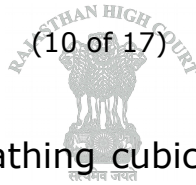
12. BPRD'S Model Prison Manual

The Bureau of Police Research and Development (BPRD), suggested a slew of measures to improve hygiene in Indian prisons, in its model prison manual:

1- Prisons should have one urinal facility (commonly termed as a latrine), installed for 10 persons. The ratio of usage of such facilities during day time can be one unit per six persons.

2- The latrines should be constructed on a higher base ground, where sun rays are reachable, but rain water does not have receptacles. The latrines should be equipped with foot rests next to the seats. There should be glazed ceramic tiles as further away from the floors as possible.





3- There should be bathing cubicle in the ratio of 1:10, with access depending on prevalent climate conditions.

4- There should be facilities for the purpose of rain water harvesting, recycle of water and storage up to 135 litres of water for fulfilling an individual's needs.

5- The kitchen should cater up to 250 prisoners. These facilities should be well lighted, cleaned daily and also be far from sleeping barracks. There should be fly proof wire mesh and exhaust fans installed. There should be smoke detectors in the room as well to deal with the fire hazards.

6- There should be no caste or religious bias in handling kitchen duties. LPG, Kneading machines, chapatti making machines, mixers and grinders should be added as well. Utensils made of stainless steel should be preferred in kitchen.

7- The tiles in kitchen walls should be up to a height of 2 metres for cleanliness purposes.

8- There should be adequate number of wards and beds to deal with men and women patients separately. All central and district prisons should have hospital facilities to cater at least 5 per cent of the inmates at any point in time.

9- The prison facility should have adequate inlets for access to fresh air and light. Impermeable material should be used for construction of prison walls and bathrooms. Bathrooms should be constructed close for prisoners to have access. There should be sufficient walking space for patients to have access to refreshment.





10- The prison hospital, should ideally be at the entrance of a jail and also consist of:

- a) Ward for patients
- b) Toilet and bathing facilities at the rate of one for every five patients
- c) Store room for hospital furniture and equipment
- d) Dressing cum-injection room
- e) Room for minor surgery
- f) Room for laboratory
- g) Room for the Medical Officer.
- h) Isolation rooms for accommodating patients with infectious and contagious diseases (such as T.B., Leprosy and H.I.V.+/AIDS.
- i) Isolation rooms for accommodating mentally ill patients.

13. Though the Rules of 1951 were framed for administration of Jails and reformation of prisoners but the same are amended by enacting the new Rules, i.e., the Rajasthan Prisoners Rules, 2022 (for short "Rules of 2022"). Several provisions with regard to bathing, washing of clothes, supply and use of drinking water have been amended. The comparison of the above two provisions in the old Rules of 1951 and new Rules of 2022 are reproduced in juxtaposition as under:-

<u>PROVISIONS OF THE RAJASTHAN PRISON RULES, 1951 RELIED UPON BY THE PETITIONER</u>	<u>CORRESPONDING/SIMILAR PROVISIONS UNDER THE RAJASTHAN PRISON RULES, 2022</u>
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Part 6 Section IV

Bathing

52. Bathing arrangements for prisoners - A bathing-platform on the approved pattern shall be provided in each enclosure in which prisoners are confined. The bathing troughs shall be supplied with water thrice daily and all the prisoners (excepting the sick) shall be allowed to wash themselves thoroughly in these. In the morning and evening, prisoners will wash their hands, feet and faces, and at midday they will wash their whole bodies.

Chapter XXXV

798. Baths - All prisoners should be required to bathe as frequently as necessary. In the temperate climate they should be encouraged to have daily baths unless medically exempted from doing so. In summer season, facilities should be provided for the prisoners to have a bath in the afternoon as well.

Part 8 Section VIII

120. Facilities for washing and repairing of clothes - It shall be the duty of the Deputy Superintendent to afford necessary facilities to the Store Keeper for the washing and repairing, etc., of clothes.

Chapter XXXVI

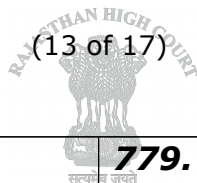
839. Proper Place of Washing - A proper place for washing and boiling dirty clothing and sheets shall be provided and blankets and work clothing's too shall be frequently washed in boiling water.

Part 9 Section V

114. Washing of clothes - The prisoner shall wash their own clothes at least once a week, a little Sajji matti or soap nuts (reeta), if cheaper being issued for that purpose. The strictest attention must be paid to having all clothing released prisoners thoroughly washed, boiled and repaired before being placed in the store room. Where proper bathing-platforms are supplied and a liberal supply of water allowed the washing of clothes should not take more than 20 minutes or half an hour and should be carried out immediately after the prisoners have bathed and before the mid-day meals. A prisoner washerman may be employed in washing fire clothes and bedding of those sick in hospital. Each Jail should be provided with a boiler for boiling and washing blankets and blanket coats and infected clothing. As directed above this shall be, if possible, outside Jail walls, and clothing of newly admitted "prisoners and hospital patients shall be washed and boiled there. Hospital clothing and bedding should be washed and boiled at frequent intervals. The boiling must be done thoroughly; there ought to be no vermin in the clothing.

Chapter XXXV

780. Prisoners to wash their clothing - Every prisoner shall be required to wash his clothing usually on the daily basis, and at any other time as the Superintendent may direct subject to the fact that the prisoners shall be given the option to wash the clothes through laundry, if facility is available, however if any prisoner has reservation in getting his clothes washed through laundry then the prisoner may wash his clothes by hand. The Superintendent may authorize the issue of the necessary washing materials as decided by the State Government, from time to time.



779. Repair, Maintenance and inspection of clothing and bedding - A day shall be fixed for weekly maintenance and inspection of clothing. At the weekly parade of prisoners the Superintendent or Deputy Superintendent shall pay special attention to their clothing and bedding and shall satisfy himself that each man's kit is complete and is in proper condition. Suitable arrangements shall be made for washing and cleaning of every article of prisoners' clothing and bedding.

OTHER RELEVANT PROVISIONS UNDER THE RULES OF 2022

800. Filtration of Water - (1) Drinking water shall be filtered as per the directions of the Head of Directorate of Prisons, on the advice of medical authorities/ Water supplying agencies.
(2) There shall not be any garbage dump or sanitary wastes within a radius of 15 meters of any ring well or tube well.

801. Drawing of Water - Distribution of clean water is of paramount importance. Buckets used for filling water for drinking and use in kitchen shall not be used for any other purpose. Water vessels, barrels, tanks and reservoirs shall be frequently cleaned. Every water storage receptacle shall be covered and the lid fastened after it is filled. These shall also be filled with taps to facilitate drawing of water from them.

802. Supply of Drinking Water - (1) Suitable arrangements shall be made to supply every inmate of a ward and cell with sufficient quantity of fresh drinking water through taps during day and night. It shall be the responsibility of the warder on duty to see that sufficient drinking water is available before the prisoners are locked-in.
(2) Prisoners at work shall be supplied with an adequate quantity of drinking water. If water is to be stored, it shall be done in covered receptacles which must be thoroughly cleaned every day.

803. Analysis of water - (1) Samples of the water in use for domestic purposes in every prison shall ordinarily be submitted to the Local water Analyzing Authority/PHED twice a year, for both chemical and bacteriological examination.
(2) In the event of outbreak of an epidemic in any prison, which might be due to contamination of the water supply, and which calls for an immediate examination of drinking water, the Medical Officer should immediately make a written request to the Director of Medical and Health or any other adequate agency who shall make arrangements to obtain the necessary samples for analysis. In addition immediate steps shall be taken to ensure supply of water from an alternative source at such prisons.
(3) The local Water Analyzing Authority shall, in due course, forward a copy of its report of analysis, through the Director of Medical and Health Department to the Superintendent of prison and another to the Head of Directorate of Prisons.



14. In spite of amended Rules of 2022, the ground reality is altogether different. Still the prisoners are not getting adequate drinking and washing water and other facilities in jails, for which they are entitled to get.

15. In the considered opinion of this Court, the aforesaid arrangements made by the State for the inmates, who are either under trial prisoners or convict prisoners, lodged in various District and Central Jails of the State of Rajasthan are not sufficient enough and such approach of the State-authorities is not appreciable. It is beyond imagination as to how a prisoner, be a male or female, can be allowed to wash clothes once in a week, more particularly looking to the harsh weather conditions of the State of Rajasthan.

16. The endeavour of this Court is to impress upon the Central and State Government to specially introduce the Jails reforms and strictly impose the provisions of Model Prisons Act, 2023 and Rules of 2022. The practical difficulties faced by the inmates (prisoners) remained unaddressed and they remain neglected, because they are convicts or under trials, since they are viewed as criminals and have no choice. Even if they try to raise their grievances, their voice remains unheard.

17. In order to comprehend and magnitude their practical problems, this Court deems it just and proper to ascertain the situations precisely in different Central Jails, District Jails and Sub-Jails of the State with regard to supply of adequate drinking and



washing water and other practical difficulties faced by the prisoners in Jails. All the Sessions Judges, Chief Metropolitan/Judicial Magistrate of the State, Secretaries of all the District Legal Services Authority (for short "DLSAs") are directed to make sudden inspection of these jails on any day within three weeks and privately interview as many as prisoners as possible as they may consider necessary and submit their report to this Court.

18. The Respondents are expected to constitute a "Grievance Redressal Committee" consisting of District Magistrates & District Judges, Chief Judicial Magistrates, District Social Welfare Officers, Superintendent of Jail, Secretary DLSA of all the districts of Rajasthan to examine the grievances of each and every prisoners and try to make all possible endeavors to redress their grievance in accordance with law.

19. An intimation/notice be affixed in every prison regarding constitution of the above committee be afforded with a specific note that all the prisoners can submit their complaints, in writing, to the above committee for redressal of their grievances and problem faced by them.

Jail authorities will display notices in all the jails informing prisoners of their right to submit complaints of their practical grievances to the above committee.



The Member Secretary, RLSA to look into the matter and monitor the effective implementation of this order and submit a report to this Court on or before the next date.



20. Before passing appropriate orders in this matter, this Court deems it just and proper to issue interim directions to the State-respondents to come out with a mechanism/policy providing adequate water, i.e., water for drinking and washing to the inmates lodged in various District and Central Jails in the State of Rajasthan and adequate steps be taken by the reform authorities with regard to maintaining personal hygiene and health, etc. of such inmates.

21. Heard in part. List this case on 12.02.2026 at 02:00 PM before this Court to check/see the steps taken by the authorities concerned to redress the grievances of the prisoners and the practical difficulties faced by them.

22. Office is directed to implead the Ministry of Home Affairs, New Delhi in the cause-title of this petition and place the cause-title at the appropriate place in the file.

23. Let a copy of this order be sent to all the respondents, all the District Judges, all the Chief Metropolitan Magistrates/Chief Judicial Magistrates and all the Secretaries of DLSAs.

24. Let a copy of this order be also sent to the Member Secretary, RLSA; Advocate General; and Additional Solicitor



General. Names of their associates, Mr. Sheetanshu Sharma, Adv. and Mr. Kapil Vyas, Adv. be reflected in the cause-list.

25. A copy of this order be further sent to all the Superintendents of Central Jails, District Jails and Sub-Jails situated in the State of Rajasthan.

(ANOOP KUMAR DHAND),J

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