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Editor-in-Chief: - Pro. (Dr) Aryendu Dwivedi, LL.D, NET

Class Behind Bars: How Wealth Shapes Prison Experience

Author: Mr.Adarsh Pandey , L.L.B 6th Sem.

[Under the Guidance of : Prof.(Dr.) Aryendu Dwivedi].

Abstract

Justice, rehabilitation, and reform are all things that prison is supposed to be but in reality the treatment of prisoners is heavily dictated by their economic status. In this research paper entitled *Class Behind Bars: How Wealth Shapes Prison Experience*, I analyze how the rich and the poor inmates in India experience prison differently. Privileged prisoners get better facilities, legal representation, early parole, and even medical reprieves, while economically weaker prisoners, especially undertrials, lack adequate legal aid, are unable to pay bail and are neglected systemically. Vijay Mallya's financial fraud and Salman Khan's hit and run case are the case studies which show how affluent criminals exploit the legal system to their advantage while the poor are subjected to disproportionate punishment.

The paper examines constitutional safeguards, statutes and landmark cases like *Hussainara Khatoon* and *Sunil Batra v. Delhi Administration (1978)*. Issues such as PTSD and social stigma are discussed. Policy recommendations, based on a comparative analysis with Norwegian, U.S., and Chinese prison models, include the abolition of VIP privileges, equitable legal access, and enhanced judicial oversight. This is an indication of the need for reforms in prison treatment, which must bridge the economic divide.

Keywords: Privileged Inmates, Undertrial Prisoners, Legal Aid Disparity, Prisoner Rights Violations, Judicial Bias, Criminal Justice Inequality, VIP Treatment in Prisons, Socioeconomic Discrimination, Prison Policy Reform.

Introduction

The prison system in India, as in many other countries, was created to serve the purpose of justice by punishing offenders and rehabilitating them into responsible citizens. However, an often overlooked reality is the vast disparity in prison experiences based on inmates socioeconomic status. A wealthy prisoner's experience is markedly different from that of a poor

undertrial, creating a dual system of criminal justice. This paper aims to analyze how economic privilege influences every aspect of prison life—from arrest to conviction, incarceration, and parole.

Though the Indian Constitution guarantees equality before the law under Article 14, its application within carceral settings is far from egalitarian.¹ From the moment of arrest, every aspect of the criminal justice journey—legal representation, incarceration conditions, and reintegration—is shaped by wealth.¹

I. Legal Inequities and Representation

Access to quality legal aid is the first and most critical divergence in the journey of a wealthy and a poor accused. The economically privileged can afford reputed lawyers, legal strategists, and manage media narratives. In contrast, the poor often rely on overburdened and underfunded legal aid services. The case of *Hussainara Khatoon v. State of Bihar* (1979 AIR 1369) serves as a landmark reminder of the plight of undertrial prisoners who languish in jail for years due to the lack of legal assistance.²

The disparity becomes more glaring in high-profile cases. Take for instance, the *Salman Khan hit-and-run case*, where the actor was granted bail within hours of conviction. Conversely, thousands of undertrial prisoners in India spend years in jail without trial, primarily due to their inability to post bail or secure proper legal aid.

II. Incarceration Conditions: A Tale of Two Realities

Prison conditions vary dramatically between rich and poor inmates. Wealthy prisoners often have access to better cells, medical facilities, frequent visits from family and lawyers, and in some cases, access to contraband or luxury items.³ Media reports have highlighted how celebrities and businessmen receive preferential treatment in jail, often being housed in special barracks and offered amenities such as air-coolers, special diets, and unrestricted communication.

In contrast, poor prisoners live in overcrowded, unhygienic cells with inadequate medical care and lack of basic human dignity. The 2021 report of the National Crime Records Bureau (NCRB) revealed that a vast majority of prisoners belong to marginalized communities and low-income backgrounds, making them more susceptible to systemic neglect and abuse.⁴

III. Case Studies: Rich vs Poor in the Dock

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1. INDIA CONST. art. 14. ↵
 2. *Hussainara Khatoon v. State of Bihar*, (1979) 3 SCR 532. ↵
 3. The Wire, "VIP Culture in Indian Prisons: A Deep Dive" (2021). ↵
 4. National Crime Records Bureau, *Prison Statistics India 2021* (Gov't of India, 2022). ↵

1. *Vijay Mallya Case*: Accused of defaulting on loans worth over Rs. 9,000 crores, Mallya fled the country and lived in luxury in the UK while avoiding arrest in India. Despite being declared a "fugitive economic offender," his extradition has faced delays due to procedural complications and legal maneuvering. His case epitomizes how the wealthy can manipulate the system to delay or escape punishment.⁵
2. *Salman Khan Case*: Convicted in a 2002 hit-and-run case, the actor's legal team ensured quick bail and minimal incarceration. His influence and status allowed him to resume his film career with minimal disruption.
3. *Undertrial Prisoners from Marginalized Backgrounds*: Cases like that of Faizan (name changed), a 19-year-old from a Dalit community in Uttar Pradesh, who spent five years in jail for a petty theft charge before being acquitted due to lack of evidence, highlight the deep-rooted injustice faced by the economically weak.⁶

IV. Psychological Impact and Social Stigma

The mental health implications of imprisonment are profound and disproportionately affect poor inmates. Conditions such as depression, anxiety, and PTSD are rampant due to extended incarceration without trial, lack of proper food and medical care, and abusive prison environments. Wealthier inmates, with access to private mental health professionals, often escape the worst of these psychological burdens.

Moreover, while wealthy convicts often return to lives of luxury and continued social acceptance, poor ex-convicts face lifelong stigmatization, difficulty in finding employment, and social ostracization. This systemic bias ensures that poverty itself becomes criminalized.

V. Constitutional and Legal Framework

India's Constitution under Articles 14, 19, and 21 guarantees the right to equality, personal liberty, and due process. The Prisons Act, 1894 and Model Prison Manual, 2016, provide guidelines for humane treatment.⁷ Supreme Court judgments have time and again emphasized the need for prison reform. In *Sunil Batra v. Delhi Administration* (1978), the court held that prisoners are not denuded of their fundamental rights and must be treated with dignity.⁸

Despite such progressive legal frameworks, enforcement remains weak. The lack of judicial oversight, bureaucratic apathy, and corruption have rendered many of these safeguards ineffective in protecting the underprivileged.

VI. Comparative Analysis: Global Perspectives

1. **Norway**: With a focus on rehabilitation rather than punishment, Norway's prison system emphasizes education, vocational training, and reintegration. There are no VIP privileges and the principle of equality is strictly enforced.⁹
2. **United States**: Although the U.S. has systemic racial and economic disparities in incarceration, recent reforms focus on reducing mass incarceration and providing legal aid to the poor.¹⁰

3. **China:** While China has a strict penal regime, it also ensures structured reformation programs. However, political prisoners and dissidents often face harsher treatment.¹¹

India can take cues from these systems, particularly in promoting equality and rehabilitation.

VII. Recommendations for Reform

- **Abolition of VIP Privileges:** No prisoner, regardless of status, should receive preferential treatment.
- **Strengthen Legal Aid:** Increase funding and staffing for legal aid services to ensure quality representation for undertrial and poor inmates.³
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- **Judicial Oversight:** Establish regular inspections and judicial monitoring of prison conditions to prevent abuse.
- **Bail Reform:** Implement a more flexible and humane bail system, considering the financial status of the accused.
- **Mental Health Services:** Provide accessible psychological support and counseling to all inmates.
- **Community Reintegration:** Programs must be developed for skill development, education, and social reintegration post-release.

Conclusion

The Indian prison system, though based on egalitarian constitutional principles, mirrors the class-based inequalities of society. Wealth shapes not just access to legal resources, but also the quality of incarceration and prospects of rehabilitation. True justice must be blind to economic status. Bridging the gap between rich and poor inmates requires systemic overhaul, stronger legal enforcement, and a moral commitment to uphold human dignity.

As India continues to evolve as a democratic society, it is imperative to ensure that its criminal justice system does not serve the privileged at the cost of the marginalized. A reformed prison system that embodies equality, fairness, and human rights is not just a constitutional necessity, but a moral imperative.

5. Ministry of Law and Justice, Report of the Committee on Reforms in Criminal Law (2020). ↩

6. The Hindu, "The Injustice of Justice: Why India's Undertrials Are Still Behind Bars" (2022). ↩

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