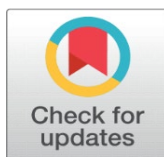
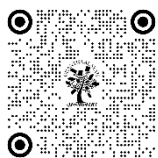


ROLE OF JUDICIARY IN REFORM AND DEVELOPMENT OF INDIAN PRISON SYSTEM

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DOI

10.29121/shodhkosh.v5.i1.2024.4464

Funding: This research received no specific grant from any funding agency in the public, commercial, or not-for-profit sectors.

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ABSTRACT

The judiciary has a crucial role in the reform and advancement of the Indian jail system, serving as a catalyst for safeguarding inmates' rights and enhancing prison conditions. This article examines the proactive approach used by the judiciary in tackling systemic problems like as overpopulation, inadequate legal assistance, and inhumane circumstances in Indian jails. The courts have highlighted the basic rights of prisoners protected by the Indian Constitution, namely under Articles 14, 19, and 21, via significant rulings and instructions. Notable cases like *Hussainara Khatoon v. Home Secretary, State of Bihar* (1979), *Ramamurthy v. State of Karnataka* (1997), and *In re: Inhuman Conditions in 1382 Prisons* (2017, 2020) have emphasized the need of expeditious trials, the availability of complimentary legal assistance, and the compassionate treatment of incarcerated individuals. In addition, the judiciary's engagement has resulted in the development of policies with the goal of reducing overcrowding in prisons, enhancing medical services, and safeguarding the well-being of prisoners' families. This essay emphasizes the significant role of the court in promoting fair and compassionate jail systems in India by carefully examining and evaluating these judicial statements and their consequences. The judiciary's endeavors not only maintain the supremacy of legal principles but also foster a climate of human rights and reverence inside the correctional system, thereby advancing the wider objectives of social justice and transformation.

Keywords: Fundamental Right, Constitution of India, Supreme Court, Prisoner, Life and Personal Liberty, Legal Aid, Speedy trial

1. INTRODUCTION

The inception of the contemporary prison system in India can be traced back to the Minute by TB Macaulay in 1835. A Prison Discipline Committee was established and subsequently presented its report in 1838. The committee proposed enhancing the intensity of therapy while dismissing any consideration for humanitarian concerns and prisoner reform. Central Prisons were built starting in 1846, in accordance with the suggestions made by the Committee. The current prison system in India is a direct result of British colonial control. The premise is that a well-designed criminal statute is ineffective for a community unless there is an efficient system in place for administering punishment. The 1864 Second Commission of Inquiry into Jail Management and Discipline proposed recommendations that were identical to those put out by the 1838 Committee. Furthermore, this Commission provided specific recommendations for the provision of housing for convicts, enhancement of dietary options, improvement of clothing and bedding conditions, and enhancement of medical services.¹

The judiciary of each nation is constitutionally mandated to safeguard the human rights of its citizens. The superior judiciary, specifically the Supreme Court of India and the High Courts, is responsible for this function, as stipulated in the Indian Constitution. The Indian Supreme Court is one of the most active tribunals in the realm of human rights protection.

¹ Rao, S. G. R., & Kumar, S. V., Prison Reforms in India. In *members' reference service*. (2017)

https://loksabhadocs.nic.in/Refinput/New_Reference_Notes/English/Prison_reforms_in_India.pdf (last visited June 30, 2023).

It is highly regarded for its credibility and independence. The concept of separation of powers, which posits that the executive, legislature, and judiciary comprise the three branches of government, is the foundation of the independent judicial system. The judiciary's ability to maintain the rule of law and human rights is contingent upon this separation and resulting independence.²

Every society is required to establish prisons for lawbreakers in order to safeguard its law-abiding members, as it has a judicial system. However, this does not imply that the prisoners have no rights. The prisoners are also entitled to their privileges. The Supreme Court of India has established human rights jurisprudence to safeguard the rights of prisoners and preserve human dignity by interpreting Article 21 of the Constitution. The provisions of Article 14 of the Constitution, which enshrines the right to equality and equal protection of the law, are violated by any violation of this right. The issue of cruelty to detainees is specifically addressed in the Criminal Procedure Code (CRPC) and the Prison Act of 1894. The legislature and the judiciary are both compelled to address any abuse of power perpetrated by the police against a prisoner. In recent years, the Indian judiciary, particularly the Supreme Court, has been particularly vigilant regarding the human rights violations of prisoners. Prisoners' rights have been violated as a consequence of the deplorable conditions that exist within the institutions, as noted by the Supreme Court and the High Courts. Prisoners' rights have emerged as a critical component of the prison reform agenda. Over the past three to four decades, the necessity for prison reform has become increasingly apparent.

2. ROLE OF PUBLIC INTEREST LITIGATION (PIL)

Public Interest Litigation (PIL) can play a crucial role in bringing judicial attention to prison issues. NGOs and activists can use PIL to highlight overcrowding, human rights violations, or inadequate conditions, prompting courts to intervene and order reforms.

In recent decades, the Supreme Court of India has been extremely diligent in preventing the violation of inmates' human rights. According to Article 21 of the Constitution of India, no individual can be deprived of their life and personal freedom unless there is a legal mechanism in place. The fundamental rights to life and personal liberty are the foundation of human rights in India. The Indian court has effectively addressed human rights violations by its proactive stance and activity, serving as a reliable institution for providing appropriate remedies. The Courts have developed and recognized several rights by interpreting "life and personal liberty" in a broad and liberal manner. The Court interpreted the basic rights outlined in Article 21 in a precise and limited manner. In the *A.K. Gopalan case*³, the Court held the perspective that each Article addresses distinct rights and that these rights are independent of each other, meaning they do not have any connection or overlap. However, in the *Maneka Gandhi case*⁴, it was determined that this perspective was incorrect. It was shown that these concepts are not separate and distinct, but rather, they constitute a unified framework inside the Constitution. They are all interconnected and interrelated components of the Constitution. In this instance, the Court determined that the extent of individual freedom granted by Article 21 of the Constitution is extensive and all-encompassing. The statement asserts that it includes both the basic entitlements of human freedom and the specific steps outlined for their removal. It further emphasizes that the legal procedures must be equitable, fair, and rational. In instances involving individuals like *Maneka Gandhi*⁵, *Sunil Batra (I)*⁶, *M.H. Hoskote*⁷, and *Hussainara Khatoon*⁸, the Supreme Court has adopted an expansive interpretation of the provisions in Part III. It is established that certain rights, such as the right to legal assistance, a prompt trial, the right to meet with friends, relatives, and lawyers, protection of prisoners from cruel and degrading treatment, the right to travel abroad, the right to live with dignity, and the right to earn a living, are considered fundamental rights under Article 21 of the Constitution, even though they are not explicitly stated. Therefore, the Supreme Court of India has significantly broadened the range of Article 21 and determined that it may be used to safeguard the basic rights of inmates and promote improvements in prisons. The Supreme Court of India has established a body of legal principles on human rights in order to safeguard and uphold the prisoner's entitlement

² Nidhi Beniwal, **Role of Judiciary in Protecting the Rights of Prisoners**, Legal service India.Com, <https://www.legalservicesindia.com/article/1616/Role-of-Judiciary-in-Protecting-the-Rights-of-Prisoners.html> (last visited June 25, 2023).

³ *A.K. Gopalan vs. The State Of Madras*, 1950 AIR 27.

⁴ *Maneka Gandhi vs. Union of India*, AIR 1978 SC 579

⁵ *Maneka Gandhi vs. Union of India*, AIR 1978 SC 579

⁶ *Sunil Batra vs. Delhi Administration* – AIR 1978 SC 1675

⁷ *Madhav Hayawadanrao Hoskot vs State Of Maharashtra*-1978 AIR 1548

⁸ *Hussainara Khatoon vs. Home Secretary, State of Bihar* – AIR 1979 SC 1369

to human dignity. The upper judiciary's concern is apparent via several significant court rulings. The Supreme Court's ruling in the *Sunil Batra case* marked a significant advancement in the evolution of jail law in India.⁹

1) Rights against Solitary Confinement

The courts strongly oppose solitary confinement and have ruled that its imposition has a profoundly demeaning and dehumanizing impact on convicts. Courts have determined that solitary confinement may only be enforced in extraordinary circumstances, where the criminal poses such a significant threat that they must be isolated from other convicts. In the case of *Sunil Batra*¹⁰, the Supreme Court examined the legality of solitary confinement. The Supreme Court has vehemently opposed the use of restraints on inmates. The court noted that the practice of continually restraining a prisoner with fetters day and night dehumanized the prisoner, reducing them to the status of an animal. This treatment was deemed excessively cruel and unusual, and the usage of bar fetters was found to be in violation of the principles outlined in the Constitution of India.

2) Rights against Inhuman Treatment of Prisoners

Human rights are an integral component of human dignity. The Supreme Court of India has expressed grave concern over the inhumane treatment of inmates in many cases and has issued specific instructions to jail and police officials to protect the rights of prisoners and those in police custody. The Supreme Court interpreted and incorporated the prohibition against torture into Articles 14 and 19 of the Constitution. The court said that any treatment of a person that violates their human dignity, inflicts unnecessary agony, and degrades them to the level of an animal would be considered arbitrary and can be challenged under Article 14. In the case of *Raghubir Singh vs. State of Bihar*¹¹, the Supreme Court upheld the life sentence given to a police officer who caused the death of a suspect via torture in a police lock-up. The court expressed its deep distress at the act of police torture. The Supreme Court, in the case of *Kishore Singh vs. State of Rajasthan*¹², ruled that the utilization of the third degree approach by the police is in violation of Article 21. The Supreme Court's ruling in the *D.K. Basu case*¹³ is remarkable. During the proceedings, the court focused primarily on the subject of custodial torture and gave several instructions to eliminate this wrongdoing, in order to enhance the safeguarding and advancement of Human Rights. The Supreme Court in this particular instance provided a definition of torture and examined its consequences.

3) Right to meet with Friends, Relatives and Lawyers

The scope of Human Rights is broadening. The recognition of prisoner's rights serves the purpose of safeguarding them not only from physical discomfort or torture, but also from psychological torment. The fundamental right to life and personal liberty, as protected by Article 21, should not be limited to mere survival. It signifies something much beyond mere physical existence. The entitlement to conduct interviews with one's relatives and friends is undeniably a component of the Personal Liberty enshrined in Article 21. According to Article 22(1) of the Constitution, each individual who is arrested has the right to consult with and be defended by a legal practitioner of their choosing. This legal entitlement is also accessible in the code of criminal procedure pursuant to section 304. The court has ruled that the arrested individual has the right to choose a lawyer from the moment of their arrest. The Supreme Court of India examined the extent of the inmates' or detainees' entitlement to conduct interviews with their family members, friends, and legal representatives in a series of cases. In the case of *Dharmbir vs. State of U.P.*¹⁴, the court ordered the state Government to let family members to visit inmates and for the convicts themselves to visit their relatives, at least once a year, while being closely supervised.

In the case of *Hussainara Khatoon vs. Home Secretary, Bihar*¹⁵, the Supreme Court has ruled that every accused individual has a Constitutional right to receive free legal services from the state if they are unable to afford a lawyer due to reasons such as poverty, indigence, or being incommunicado. The state is obligated by the Constitution to provide a

⁹ Rao, S. G. R., & Kumar, S. V. (2017). PRISON REFORMS IN INDIA. In *MEMBERS' REFERENCE SERVICE*.

https://loksabhadocs.nic.in/Refinput/New_Reference_Notes/English/Prison_reforms_in_India.pdf

¹⁰ *Sunil Batra vs. Delhi Administration* – AIR 1978 SC 1675

¹¹ AIR 1987 SUPREME COURT 149

¹² AIR 1954 RAJ 264

¹³ *D.K. Basu vs. State of W.B.* – AIR 1997 SC 619

¹⁴ AIR 1979 SUPREME COURT 1595

¹⁵ AIR 1979 SC 1369

lawyer to such individuals if it is necessary for the sake of justice. Without the provision of free legal assistance, the trial itself may be invalidated for violating Article 21.

In the case of *Sheela Barse vs. State of Maharashtra*¹⁶, the court determined that conducting interviews with inmates is essential in order to get accurate information. However, it emphasized the need for strict supervision and regulation of such access. In the case of *Jogindar Kumar vs. State of U.P.*¹⁷, the court expressed the view that the scope of Human Rights is growing, while simultaneously noting an increase in crime rates. The court has been receiving complaints on the infringement of Human Rights due to arbitrary arrests. The court noted that individuals have the right to be informed.

4) Right to Speedy Trial

Ensuring expeditious trials for offenses is a fundamental goal of the criminal justice system. Once the court becomes aware of the charge, the trial must be carried out promptly in order to punish the guilty and exonerate the innocent. Every individual is considered innocent unless their guilt is proven. Therefore, it is imperative to promptly ascertain the culpability or lack thereof of the defendant. Hence, it is the responsibility of the court to ensure that no culpable individual evades punishment. Furthermore, it is even more imperative for the court to ensure that justice is not prolonged and that the accused individuals are not subjected to endless harassment. It is important to note that a delay in the legal process might be considered a denial of justice, as the saying goes, "justice delayed is justice denied." It is imperative that those accused of crimes undergo prompt trials to ensure that, in instances where bail is denied, they do not have to endure unnecessary prolonged incarceration. The right to a prompt trial has achieved global recognition as a fundamental human right.

The code of criminal procedure contains the primary process for investigating and trying an offense in a manner that ensures a prompt trial. Section 309 of the Cr.PC¹⁸ encompasses the entitlement to a prompt trial. If the requirements of the Code of Criminal Procedure are adhered to meticulously and faithfully, there would be no room for any complaint or dissatisfaction. However, these regulations are not effectively enforced in accordance with their intended purpose. The requirements of the law shall accurately reflect the Constitutional right of quick trial as stated in Article 21. In the case of *A.R. Antulay vs. R.S. Nayak*¹⁹, the Supreme Court has established the following principles that will greatly contribute to safeguarding the Human Rights of prisoners. In this particular instance, the Supreme Court determined that the accused have the right to a prompt trial as guaranteed by Article 21 of the Constitution. This right applies to all phases of the legal process, including investigation, inquiry, trial, appeal, revision, and retry.²⁰

5) Right to Legal Aid

Originally, the Constitution of India did not specifically guarantee the right to free legal assistance. However, the judiciary has granted impoverished convicts the chance to present their case, as they are unable to afford a lawyer of their choosing owing to their financial circumstances. In the Indian legislative, free legal assistance has been included as one of the Directive Principles of State Policy under Article 39A in the Constitution by the 42nd Amendment Act of 1976. Article X of the Constitution is the primary and explicit provision that addresses the provision of free legal assistance. Although this article is included in Part-IV of the Constitution as one of the Directive concepts of State Policy and cannot be legally enforced by the courts, the concepts stated in it are vital in governing the country. According to Article 37 of the Constitution, the State has an obligation to include these ideas into the process of creating legislation. Article 38 imposes an obligation on the State to enhance the well-being of the population by ensuring and safeguarding a social order in which justice permeates all aspects of national life, including social, economic, and political institutions. The Legal Services Authorities Act, 1987, has been approved by Parliament, ensuring the provision of legal assistance. Additionally, certain State Governments have established Legal Aid and Advisory Boards and devised plans for offering free legal aid and assistance in unforeseen circumstances, in order to fulfill the constitutional need outlined in Article 39A. In Indian human rights jurisprudence, legal assistance has a broad reach and is accessible not just in criminal cases but also in civil, tax, and administrative concerns.

¹⁶ (1983) 2 SCC 96

¹⁷ AIR 1994 SUPREME COURT 1349

¹⁸ Now known as The Bharatiya Nagarik Suraksha Sanhita, 2023

¹⁹ (1992) 1 SCC 225

²⁰ Hussainara Khatoon vs. Home Secretary, State of Bihar – AIR 1979 SC 1369

6) Lack of Legal Aid

The issue of lack of legal aid for prisoners in India has been addressed in various landmark judgments. The most important of these is the case of Hussainara Khatoon and others vs Home Secretary, State of Bihar²¹. In this landmark case, the Hon'ble Supreme Court highlighted the plight of undertrial prisoners who were languishing in jails for years due to lack of legal aid and inefficiency of the judicial system. The Supreme Court, while emphasizing the right to speedy trial and legal aid as fundamental rights under Article 21 of the Constitution, directed for significant reforms in the legal aid system and setting up of legal aid services across the country.

In the case of Madhav Hayawadanrao Hoskot vs State Of Maharashtra²², the Supreme Court held that the right to free legal aid under Article 21 of the Constitution is an essential part of fair procedure. The Court held that providing legal aid to an indigent accused person is a constitutional obligation of the State and is an essential component of a fair trial.

In Khatri II v State of Bihar²³ (1981) the Supreme Court reiterated that it is the constitutional duty of the State to provide free legal services to indigent accused persons and failure to do so would vitiate the validity of the trial. The Court also directed that legal aid should be provided at the first stage of production before the Magistrate and should be continued at all stages of the criminal process.

In Suk Das vs. Union Territory of Arunachal Pradesh²⁴ (1986) the Supreme Court emphasised that the right to free legal aid is fundamental and essential for ensuring justice. The Court said that the accused person must be informed of his right to legal aid and if he cannot afford a lawyer, he should be provided with a lawyer at the State's expense.

In the case of State of Maharashtra vs. Manubhai Pragji Vashi²⁵ the Supreme Court emphasized the importance of legal education and the need for competent legal aid services. The Court directed the establishment of legal aid clinics in all law colleges and universities to ensure that legal aid reaches the needy, including prisoners. The Supreme Court has issued a directive to the State of Maharashtra with the following instructions²⁶:

- “The government must extend the grant-in-aid scheme to all privately-owned law colleges that are recognized by the government. The criteria for granting aid should be the same as those used for other faculties such as Arts, Science, Commerce, Engineering, and Medicine. This should be implemented starting from the academic year 1995.
- The implementation of this scheme must be completed within three months from today.
- The government of Maharashtra must promptly collect data on non-government law colleges that have closed down or are at risk of closing down. Efforts should be made to revive these colleges to their state in the academic year 1985-86, in order to provide them with grant-in-aid starting from the academic year 1995-96.
- The High Court has ruled that the Government must implement a pension-cum-gratuity scheme for the staff of non-Government law colleges starting from April 1, 1995. This scheme will be available to the staff who exercise their option within three months of the Government's declaration to implement the grant-in-aid scheme.
- The staff can exercise their option by serving individual notice or through a public notice. The Government is also responsible for ensuring that private law colleges, which are duly recognized by the Government and/or other competent authorities such as the Bar Council of India, and meet the standards set by appropriate authorities and are affiliated with an established University, receive the grant-in-aid. Measures must be implemented to ensure that the assisted institutions comply with all the rules and regulations of the aforementioned authorities for recognition and affiliation, including those pertaining to the recruitment of teachers and staff, their terms of employment, curriculum, quality of instruction, and discipline.
- The Bar Council of India Rules, Part IV, which govern the standards of legal education and recognition of law degrees or admission as Advocates, should be the guiding principle in this situation. Furthermore, the government should ensure that a high level of quality is maintained in legal education. To achieve this, the

²¹ *Ibid*,

²² 1978 AIR 1548

²³ 1981 SCR (2) 408

²⁴ AIR 1986 SUPREME COURT 991

²⁵ AIR 1996 SUPREME COURT 1

²⁶ *State of Maharashtra vs. Manubhai Pragji Vashi*, AIR 1996 SUPREME COURT 1

Government of Maharashtra, in consultation with the relevant University, the Bar Council of India, Bar Council of Maharashtra, and other competent entities or individuals, should take all necessary measures to promote excellence in legal education. This shall be done promptly".

The Supreme Court has thus played a key role in shaping the legal aid system in India, ensuring that prisoners, particularly those who are poor, have access to legal representation and a fair trial.

7) Rights against Hand Cuffing

In the case of *Prem Shanker vs. Delhi Administration*²⁷, the Supreme Court acquired another effective tool to be utilized in the battle for jail reform and the protection of prisoners' rights. The central issue in this case was the constitutional validity of hand-cuffing. The Supreme Court extensively deliberated on the jurisprudence surrounding the use of handcuffs. This is a Public Interest Litigation case presented to the court, requesting a ruling on the constitutionality of the practice of handcuffing individuals, in relation to Article 21 of the Constitution. In this particular instance, the court prohibited the regular use of handcuffs on inmates as required by the Constitution and pronounced the differentiation between different groups of convicts as outdated²⁸. The court further stated that the act of handcuffing is inherently inhumane and, therefore, unjustifiable, excessively severe, and seemingly random. Without proper procedures and unbiased supervision, using "irons" as a punishment is akin to employing zoological tactics that violate Article 21 of the Constitution.

8) Right against the use of Narco Analysis/Polygraph/Brain Mapping

The Supreme Court, in the case of *Selvi vs. State of Karnataka*²⁹ (2010), has ruled that Narcoanalysis, Polygraph test, and Brain Mapping are unlawful and infringe upon human rights. This decision poses significant challenges for numerous investigative bodies as it will impede the progress of investigations and allow many suspected offenders to evade prosecution under this new stance. However, the highest court clarified that an individual can only be exposed to such examinations if they provide their consent. The test results will not be accepted as evidence in court but may only be utilized to advance the inquiry. Due to technological advancements and developments in neurology, Narcoanalysis, Polygraph tests, and Brain mapping have become popular investigative methods utilized by agencies worldwide to get truthful information from suspects. However, over time, opposing opinions emerged³⁰.

Testimonies were received from human rights groups and individuals who were subjected to such testing. They were characterized as abominations to the human intellect and violations of an individual's right to privacy. The Supreme Court acknowledged that the standards in question infringe upon Article 20 (3), which stipulates that an individual cannot be compelled to provide self-incriminating evidence. The court has instructed the investigative agencies to closely follow the guidelines of the National Human Rights Commission when conducting the tests. These tests have been utilized in other past instances, such as the *Arushi Talwar murder case*, *Nithari deaths case*, *Abdul Telagi case*, *Abu Salem case*, and *Pragya Thakur (bomb blast case)*, which have attracted significant public attention.

9) Overcrowding in Jails

Overcrowding in prisons in India is a significant issue and this issue has been addressed by various courts in India, focusing on the protection of the rights of prisoners and the conditions within prisons. The Supreme Court has highlighted the rights of prisoners through its various cases. In the landmark judgment of the case of *Ramamurthy vs State of Karnataka*³¹ the Supreme Court of India highlighted the issue of overcrowding in prisons. The Court emphasized that overcrowding violates the fundamental rights of prisoners under Article 21 of the Constitution, which guarantees the right to life and personal liberty. The Court directed the State to take immediate steps to reduce overcrowding and improve the living conditions in prisons.

In the case of *Inhuman Conditions in 1382 Prisons Again*³² (2017), the Supreme Court took suo motu cognizance of the inhuman conditions prevailing in 1382 prisons across the country. The Court directed the Central and State Governments to address issues such as overcrowding, inadequate medical facilities and lack of infrastructure. It stressed the need for effective implementation of prison reforms and development of modern infrastructure to accommodate the

²⁷ (1980) 3 SCC 526

²⁸ Charles Sobraj vs Suptd. Central Jail – AIR 1978 SC 1514

²⁹ (2010) 7 SCC 263

³⁰ State of Gujarat vs. Natwar Harchenji Thakor – (2005) CrI LJ 2957

³¹ AIR 1997 SUPREME COURT 1739

³² W.P. (C) No. 406 of 2013

growing number of prisoners³³. The supreme court stated that The Ministry of Home Affairs will conduct an annual review of the implementation of the Model Prison Manual 2016 for which considerable efforts have been made not only by senior officers of the Ministry of Home Affairs but also persons from civil society. The Model Prison Manual 2016 should not be reduced to yet another document that might be reviewed only decades later, if at all. The annual review will also take into consideration the need, if any, of making changes therein. The Under Trial Review Committee will also look into the issues raised in the Model Prison Manual 2016 including regular jail visits as suggested in the said Manual. The Supreme Court Directed accordingly to Government as following³⁴:-

- “A word about the Model Prison Manual is necessary. It is a detailed document consisting of as many as 32 chapters that deal with a variety of issues including custodial management, medical care, education of prisoners, vocational training and skill development programmes, legal aid, welfare of prisoners, after care and rehabilitation, Board of Visitors, prison computerization and so on and so forth. It is a composite document that needs to be implemented with due seriousness and dispatch.
- Taking a cue from the efforts of the Ministry of Home Affairs in preparing the Model Prison Manual, it appears advisable and necessary to ensure that a similar manual is prepared in respect of juveniles who are in custody either in Observation Homes or Special Homes or Places of Safety in terms of the Juvenile Justice (Care and Protection of Children) Act, 2015”.³⁵

Accordingly, we issue notice to the Secretary, Ministry of Women and Child Development, Government of India, returnable on 14th March, 2016. The purpose of issuance of notice to the said Ministry is to require a manual to be prepared by the said Ministry that will take into consideration the living conditions and other issues pertaining to juveniles who are in Observation Homes or Special Homes or Places of Safety in terms of the Juvenile Justice (Care and Protection of Children) Act, 2015.

Continuing from the case decided in 2017 in *In Re: Inhuman Conditions in 1382 Prisons*³⁶ (2020), the Supreme Court emphasised the need to address overcrowding in prisons, especially in the wake of the COVID-19 pandemic. The Court recommended measures such as releasing undertrial prisoners on bail and parole to decongest prisons and prevent the spread of the virus.³⁷

The famous case of *Sunil Batra vs. Delhi Administration*³⁸ focused on the treatment of prisoners and the use of solitary confinement, but the case also touched upon the broader issue of prison conditions. The Supreme Court held that overcrowded prisons add to the suffering of prisoners and called for improvements in prison administration and infrastructure. In *Hussainara Khatoon vs. Home Secretary, State of Bihar*³⁹ (1979) the Supreme Court highlighted the plight of undertrial prisoners who were languishing in overcrowded prisons for long periods due to delays in their trials. The Supreme Court emphasised the need for speedy trials and release of undertrials who had been in custody for longer than the maximum sentence for their alleged crimes. The case significantly influenced subsequent prison reforms and focused on reducing overcrowding. In the case of *People's Union for Democratic Rights vs. Union of India*, the Supreme Court addressed various issues relating to prison conditions including overcrowding. The Court directed the authorities to ensure that the basic human rights of prisoners are protected and steps are taken to reduce the problem of

³³ India, legal S. (no date) *Role of judiciary in protecting the rights of prisoners*. Available at: <https://www.legalservicesindia.com/article/1616/Role-of-Judiciary-in-Protecting-the-Rights-of-Prisoners.html> (Accessed: 21 July 2023).

³⁴ *Re-Inhuman Conditions In 1382 Prisons vs Vs.* decided on 5 February, 2016, India, legal S. (no date) *Role of judiciary in protecting the rights of prisoners*. Available at: <https://www.legalservicesindia.com/article/1616/Role-of-Judiciary-in-Protecting-the-Rights-of-Prisoners.html> (Accessed: 21 July 2023).

³⁵ India, legal S. (no date) *Role of judiciary in protecting the rights of prisoners*. Available at: <https://www.legalservicesindia.com/article/1616/Role-of-Judiciary-in-Protecting-the-Rights-of-Prisoners.html> (Accessed: 21 July 2023).

³⁶ W.P. (PIL) No. 10 of 2017

³⁷ India, legal S. (no date). Available at: <https://www.casemine.com/judgement/in/5d91996c714d587fe94d324d> (Accessed: 22 July 2023).

³⁸ AIR 1978 SC 1675

³⁹ AIR 1979 SC 1369

overcrowding. The case thus reflects the proactive stance of the judiciary in addressing the issue of overcrowding in Indian prisons and the need for continued efforts to reform the prison system.

3. IMPACT ON EFFICACY

- 1) **Overcrowding and Unsanitary Conditions:** Limited judicial attention to prison conditions can lead to overcrowding, poor sanitation, and inadequate healthcare. This undermines the purpose of prisons, which should ideally include rehabilitation alongside punishment⁴⁰.
- 2) **Lengthy Incarceration:** Delays in trials can result in unnecessarily long periods of incarceration, even for those who may be innocent. This can have a detrimental impact on an individual's life and reintegration into society⁴¹.
- 3) **High Recidivism Rate:** Ineffective prison systems with limited rehabilitation programs can contribute to high recidivism rates. This means individuals return to prison after release, suggesting a failure in achieving the goal of deterrence and rehabilitation⁴².

4. EFFORTS TO IMPROVE EFFICACY

- 1) **Fast-Track Courts:** Dedicated courts for specific offenses, like undertrial cases, can help expedite trials and reduce overcrowding.
- 2) **Legal Aid Programs:** Expanding access to legal representation for inmates ensures they can navigate the legal system and potentially receive fairer sentences or swifter trials.
- 3) **Prison Reforms:** Focus on improving prison infrastructure, sanitation, healthcare, and educational/vocational programs can lead to a more rehabilitative environment for inmates.

5. CONCLUSION

Overall, improving judicial attention and efficacy in Indian prisons requires a multi-pronged approach. This includes addressing overcrowding, ensuring access to legal aid, expediting trials, and implementing effective prison reforms. By focusing on rehabilitation alongside punishment, the system can aim to reduce recidivism rates and create a more just and effective prison system. The Indian prison system, dating back to 1835, is based on the idea that an efficient system for administering punishment is essential for a community's well-being. The Indian Supreme Court and High Courts are constitutionally mandated to safeguard the human rights of its citizens, with the concept of separation of powers being the foundation of the independent judicial system. The court has been vigilant in addressing human rights violations of prisoners, highlighting overcrowding, human rights violations, and inadequate conditions within institutions.

Public Interest Litigation (PIL) plays a crucial role in bringing judicial attention to prison issues, as NGOs and activists can use PIL to highlight overcrowding, human rights violations, or inadequate conditions, prompting courts to intervene and order reforms. The Supreme Court of India has been diligent in preventing the violation of inmates' human rights, interpreting Article 21 in a broad and liberal manner. The right to a speedy trial is a fundamental goal of the criminal justice system, ensuring that the accused are punished and the innocent are not subjected to endless harassment. The Code of Criminal Procedure outlines the primary process for investigating and trying an offense in a manner that ensures a prompt trial. The right to free legal assistance is also guaranteed by the Constitution, but it has been granted to impoverished convicts due to their financial circumstances. Lack of legal aid for prisoners in India has been addressed in landmark judgments, such as *Hussainara Khatoon and others vs Home Secretary, State of Bihar*. The Supreme Court has directed significant reforms in the legal aid system and the establishment of legal aid services across the country. The Ministry of Home Affairs will conduct an annual review of the implementation of the Model Prison Manual 2016, which includes 32 chapters addressing custodial management, medical care, education, vocational training, legal aid, welfare of prisoners, after care and rehabilitation, Board of Visitors, and prison computerization.

⁴⁰ Sheela Barse vs. State of Maharashtra, (1983) 2 SCC 96

⁴¹ D.K.Basu vs. State of W.B – AIR 1997 SC 619

⁴² Hiralal Mallick vs. State of Bihar – AIR 1977 SC 2236