

# ROLE OF JUDICIARY IN PROTECTING THE RIGHTS OF PRISONERS

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## CHAPTER 1

### INTRODUCTION:

Indian Constitution being federal in nature provide separation of power among legislature, administrator and judiciary. But these powers are not absolute and are subject to check in light of constitution among themselves only. Judiciary as an institution in globe aimed to be the guardian and protector of human right. As per the Indian Constitution this function is assigned to the superior judiciary namely the Supreme Court of India and High courts. The Supreme Court of India is one of the most active courts when it comes into the matter of protection of Human Rights. Independence of judiciary is one of the part of basic features of Indian constitution. Laws are made by legislatures but they are always subject to judicial review in light of basic feature of the constitution. Indian legislature had made several laws in regard to right of prisoners in prison but being a vulnerable class they are always exploited. In spite of provisions given our constitution and other procedural law in protection of the rights of prisoners they remain a exploited and vulnerable class of the society. The supreme court of India on different occasions through its various judgments speaks about this issue and lays down different guideline to protect the rights of this earthen class, which show the mirror that in spite of all laws and provision the implication at ground zero is defected and need review. The aim of the researcher will be to find these ground realities, analyze the guidelines of supreme court ,and find out some remedies to the problem through doctrinal research.

In the following cases namely Maneka Gandhi, Sunil Batra (I), M.H.Hoskot and Hussainara Khatoon, the Supreme Court has taken the view that the provisions of part III of the constitution should be given widest possible interpretation. It has been held that right to legal aid, speedy trial, right to have interview with friend, relative and lawyer, protection to prisoners in jail from degrading, inhuman, and barbarous treatment, right to travel abroad, right live with human dignity, right to livelihood, etc. though specifically not mentioned are Fundamental Rights under Article 21 of the Constitution<sup>1</sup>. Thus, the Supreme Court of India has considerably widened the scope of Article 21 and has held that its protection will be available for safeguarding the fundamental rights of the prisoners and for effecting prison reforms. The Supreme Court of India has developed Human Rights jurisprudence for the preservation and protection of prisoner's Right to Human Dignity<sup>2</sup>. The concern of the Apex judiciary is evident from the various cardinal judicial decisions. The decisions of the Supreme Court in Sunil Batra was a watershed in the development of prison jurisprudence in India.

Prison is the important organ of the criminal justice where prisoners are deprived to some liberty for the purpose of reformation<sup>3</sup>. So it is an institution or place where they are convicted (for the purpose of reformation). So prisons are the factories where criminal are owing to regular perpetration of state crime. In India prisons are considered as basic indicator of human rights violatons. Like they are not getting sufficient accommodation, unhygienic conditions, indiscriminate huddling of offenders, mentally and physically tortured, no legal aid, no bedding facilities, insufficient medical facilities etc. but as a prisoners they also have rights against such things. Universal declaration of human rights also played an important role in recognizing the various rights of the prisoners. so in late seventies though various judgments and with the help of UDHRs the trend of treating the prisoners as out cast is changed to treat them as human being.

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<sup>1</sup> 1978 SCR (2) 621.

<sup>2</sup> 1980 AIR 1579.

<sup>3</sup> Singh, Saket, "Role of the Supreme Court towards a New Prison Jurisprudence", 6 Student Adv. (1994).

The prisons in India are governed under Antiquated and Colonial Prison Act 1894, which considered prisoners as the slave of the state. This act advocates retributive and deterrent form of punishment. Hence it is an outdate act and now inconsistent with the norms of the law as well as against the society so it is necessary to bring some changes as society is dynamic in nature. That's why role of judiciary is very important in protecting the rights of the prisoners as it considered as the guardian of the rights.

The past decade has witnessed an increasing consciousness about the desirability of prison reforms, it is now being recognized that a reformatory philosophy and a rehabilitative strategy must form a part of prison justice. The contemporary Prison administration in India is thus a legacy of British rule. It is based on the notion that the best criminal code can be of little use to a community unless there is good machinery for the infliction of punishments. In 1864, the Second Commission of Inquiry into Jail Management and Discipline made similar recommendations as the 1836 Committee. In addition, this Commission made some specific suggestions regarding accommodation for prisoners, improvement in diet, clothing, bedding and medical care. In 1877, a Conference of Experts met to inquire into prison administration. The conference proposed the enactment of a prison law and a draft bill was prepared. In 1888, the Fourth Jail Commission was appointed. On the basis of its recommendation, a consolidated prison bill was formulated. Provisions regarding the jail offences and punishment were specially examined by a conference of experts on Jail Management. In 1894, the draft bill became law with the assent of the Governor General of India.

#### **STATEMENT OF PROBLEMS:**

The prisons in India are governed by the antiquated and colonial prison act of 1894, which advocates retribute and deterrent form of punishment and considers the prisoners as 'slaves of state', Prisoners inhuman treatment, they are tortured and handcuff is also against to the art.21 to the some extent. Their personal life and liberty is deprived and cruelty to the prisoners by public authority. Prisoners are also human so they cannot be deprived of their rights. But the ground reality is diffrnt inspite of certain provisions

for the rights of the prisoners are not implemented in the proper manner. Prisoners are also not getting their basic rights such as bedding facility, medical, food, clothing and unhygienic condition in the prison.

### **HYPOTHESIS:**

Lack of accountability of stake holders hampers the rights of prisoners.

4. In which case solitary confinement is valid?
5. Is narco analysis/brain mapping required assent of victim?
6. Is directive issued by judiciary to prison staff implemented?

### **CONCLUSION:**

There are various provisions in the different acts for protecting the rights of the prisoners but here judiciary played an important role in protecting the rights of the prisoners by pronouncing certain judgments and guidelines. Judiciary also interpreted the different articles of the constitution to provide a glance on the rights of the prisoners. But if look at the ground reality all these provisions are not implemented properly. Prisoners still has suffer or they are still deprived of their rights. There are many reasons behind it like no deterrent effect on the stake holders and non implementation of the provisions.

### **CHAPTER: 2**

#### **RIGHTS OF PRISONERS**

Indian constitution and other procedural law provide many provision and law against the violation of different rights of the prisoners. such rights are not specifically given in the constitution but supreme court played an important role and interpreted articles 14, 19 and article 21 in part 3 along with articles 39A, 42, 39, 38 in part 4 to provide or spell out different fundamental rights to the prisoners. like torture and inhuman treatment can be interpreted from the article 14 and article 19 of the constitution. Sometimes third

degree is given that is against the article 21 of the constitution i.e. human dignity. there is no use of such rights if there is no remedy against them, Indian constitution provide certain writs under article 32 i.e. habeas corpus, mandamus, quo warranto, prohibition, certiorari. On the violation of such rights person can file a suit directly in the supreme court and under article 226 in the high court. As an independent judiciary Supreme court is the guardian of such rights and it also laid down certain guidelines parallel to such rights and also keep eyes on the legislature that no new law in violation of such rights take place as they are subject to judicial review. By this interpretation it is clear that prisoners also have some fundamental rights and they can't be deprived from such rights but to some limit they are deprived of their liberty for the purpose of reformation.

Hence, prisoners also have their rights and can not be deprived of their rights. As certain rights are guaranteed by the constitution but they are not absolute some restrictions are imposed on them, like right to freedom of a person is one of the important right among fundamental right<sup>4</sup>. When a person is convicted and put in the prison then his status is different from that of an ordinary person<sup>5</sup>.

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<sup>4</sup> Article 19 Constitution of India reads as "Protection of certain rights regarding freedom of speech etc

(1) All citizens shall have the right

(a) to freedom of speech and expression;

(b) to assemble peaceably and without arms;

(c) to form associations or unions;

(d) to move freely throughout the territory of India;

(e) to reside and settle in any part of the territory of India; and

(f) omitted

(g) to practise any profession, or to carry on any occupation, trade or business

(2) Nothing in sub clause (a) of clause ( 1 ) shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub clause in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence

(3) Nothing in sub clause (b) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the sovereignty and integrity of India or public order, reasonable restrictions on the exercise of the right conferred by the said sub clause

(4) Nothing in sub clause (c) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the sovereignty and integrity of India or public order or morality, reasonable restrictions on the exercise of the right conferred by the said sub clause

(5) Nothing in sub clauses (d) and (e) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, reasonable restrictions on the exercise of any of

## 2.1 Right against inhuman treatment to the prisoners

Prisoners are also human and they should be treated as human. So prisoners have right against inhuman treatment by different authorities i.e. jail authority, police officers. Sometimes prisoners are tortured and inhuman treatment in the police lock-up then it will be a violative action of concerned authority against article 14 and article 19 of the constitution. Similarly third degree by the police is taken against the article 21 i.e. human dignity. Such act will be considered as an arbitrary action by concerned authority and can be question under article 14 of the Indian constitution (interpretation given by supreme court). In *Raghubir Singh v. State of Bihar* the supreme court expressed its anguish over police torture by upholding the life sentence awarded to a police officer responsible for the death of a suspect due to torture in a police lock-up<sup>6</sup>. In *Kishore Singh v. State of Rajasthan* the Supreme Court held that the use of third degree method by police is violative of Article 21 and ruled that law does not permit the use of third degree methods or torture on an accused person since “actions of the State must be right, just and fair, torture for extracting any kind of confession would neither be right nor just not fair”<sup>7</sup>.

## 2.2 Right against solitary confinement and Bar Fetters

Punishment of solitary confinement and Bar Fetters is against the spirit of the constitution and such a punishment reduced the prisoner from human being to an animal.

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the rights conferred by the said sub clauses either in the interests of the general public or for the protection of the interests of any Scheduled Tribe

(6) Nothing in sub clause (g) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the general public, reasonable restrictions on the exercise of the right conferred by the said sub clause, and, in particular, nothing in the said sub clause shall affect the operation of any existing law in so far as it relates to, or prevent the State from making any law relating to,

(i) the professional or technical qualifications necessary for practising any profession or carrying on any occupation, trade or business, or

(ii) the carrying on by the State, or by a corporation owned or controlled by the State, of any trade, business, industry or service, whether to the exclusion, complete or partial, of citizens or otherwise”.

<sup>5</sup> Singh, Saket, “Role of the Supreme Court towards a New Prison Jurisprudence”, 6 Student Adv. (1994). Available at <http://legalsutra.com/810/role-of-the-supreme-court-towards-a-new-prison-jurisprudence/#sthash.x2jb8F9A.dpuf>

<sup>6</sup> Dr. Minal H.Upadhyay, “Role of Judiciary in Protecting the Human Rights of Prisoners” IJRHSS Vol. 2, Issue:8, 2014.

<sup>7</sup> *Ibid.*

So such a punishment is considered cruel and unusual, it causes mentally torture to the prisoner. Hence prisoners have right against the solitary confinement and bar fetters. Indian courts also consistently considered that such a punishment is highly degrading and dehumanizing effect on the prisoners. The supreme court in Sunil Batra case considered the validity of solitary confinement<sup>8</sup>. But it can be imposed only in the exceptional cases where convicted person is of such a dangerous nature or character that he must be confine separately from other prisoners. if we study solitary confinement and bar fetters in the light of constitution then it will be an arbitrary action against the prisoner and infringed the Fundamental Right i.e right to life and personal liberty<sup>9</sup>. it is very clear that prisoners also have certain fundamental rights which are more restricted in nature than an ordinary person but it does not mean that they can be deprived by such kind of punishment.

Our judicial system follow the reformatory theory of punishment not retributive so it can be interpreted from it only that such harsh and cruel punishment is in violation of constitution.

### **2.3 Right to speedy trial**

Basic purpose of every judicial system in a democratic state is to grant fair and speedy trial to its citizens. Now right to speedy trial has become a universally recognized human right. As an independent judiciary it is the duty of the judiciary to grant such right. As a custodian of rights constitution grant right to speedy trial to victim, accused as well as prisoners. if any judiciary failed to grant such right then the term “justice delayed is justice denied” is true. Due to the inordinate or negligent trial or delay investigation accused has to suffer a lot. Convicted person also have right to speedy trial because he has a right to appeal after conviction. There is a provision in the code of criminal procedure under section 309 for the procedure of investigation and trial of an offence with regard to speedy trial. If such provision is followed in a fair manner then

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<sup>8</sup> Sunil Batra (I) v. Delhi Administration, AIR 1978 SC 1675.

<sup>9</sup> Article 21 of Constitution of India states as” Protection of life and personal liberty.

No person shall be deprived of his life or personal liberty except according to procedure established by law.”

there will not be a concept of delayed justice but it is not be properly implemented in its originally spirit. Therefore in A.R.Antulay v. R.S.Nayak, the Supreme Court has laid down following propositions which will go a long way to protect the Human Rights of the prisoners<sup>10</sup>. apex court also held that the right to speedy trial flow from the article 21 of the Indian constitution.<sup>11</sup> Prisoner has right to appeal, revision and review against his conviction, so he can not be deprived of such a right being a prisoner. If any inordinate, unexplained, unfair and negligent delay in pronouncing the judgment by any court then it will be considered as an infringed the right under article 21 of the Indian constitution.

#### **2.4 Right to free legal aid**

Indian constitution does not expressly provide any specific provision regarding right to free legal aid but the judiciary shown its favour towards the poor prisoners who are not capable to engage or hire the lawers of their own choice. Reason behind this is their indigency or poor condition. In M.H. Hoskot v. State of Maharastra the Supreme Court laid down that right to free legal aid at the cost to the state to an accused who could not afford legal services for reason of poverty or indigence situation was part of fair, just and reasonable procedures implicit in Article 21. a three Judges Bench (V.R.Krishna Iyer, D.A.Desai and O.Chinnappa Reddy, JJ<sup>12</sup>) of the Supreme Court reading Articles 21 and 39-A, along with Article 142 and Section 304 of Cr.PC together declared that the Government is under duty to provide legal services to the accused persons<sup>13</sup>. Article 39A inserted as an free legal aid provision in the constitution by the 42<sup>nd</sup> constitution amendment act 1976. This is most important article in the Indian constitution which speaks for the free legal aid. This article is not enforceable because it inserted under the Directive Principles of the State Policy. This is one of the directives to the state policy in the governance of the states. Parliament also enacted Legal Service Authorities Act 1987 under which free legal service is guaranteed, other states also established Legal Aid and

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<sup>10</sup> 1988 AIR 1531.

<sup>11</sup> Article-21 of Constitution of India reads as "Protection of life and personal liberty No person shall be deprived of his life or personal liberty except according to procedure established by law".

<sup>12</sup> 1978 AIR 1548.

<sup>13</sup> Nair, Savdasivan, "Prison Justice and the Court", (1978) CULR 336.



Advice Board. This free legal aid is not only confine with criminal cases it also available in the civil, revenue and administrative cases.

### **2.5 Right to have interview with Friends, Relatives and Lawyers**

The horizon of the Human Right is more expanding with the passage of time. Rights of the prisoners not only limited to the physical torture but they also include mental torture. Right to life and personal liberty provided under article 21 of the constitution. It can be interpreted from it that a prisoner has a right to meet or have interview with his family member, friends and lawers. Because as per the article 21 prisoner also have right to personal liberty and he has right to meet his family members, friends etc. a specifically provision is given in the article 22(1) that an arrested person can not be denied to consult and defended by a legal practitioner of his choice<sup>14</sup>. This legal right is also provided under the section 304 of code of criminal procedure. And by consistently judgments of the courts rights of prisoners are protected. In Dharambir v. State of U.P the court directed the State Government to allow family members to visit the prisoners and for the prisoners, at least once a year, to visit their families, under guarded conditions<sup>15</sup>.

Court also held in other cases that the interview of prisoner is necessary for the correct information. In another landmark judgement of Francis Coralie Mullin v. The Administrator, Union Territory of Delhi & others, the Supreme Court ruled that the right to life and liberty included his right to live with human dignity and therefore a detainee would be entitled to have interviews with family members, friends and lawyers without severe restrictions<sup>16</sup>.

### **2.6 Right against hand cuffing**

Hand cuffing is one of the most important rights of the prisoner and accused. As it affects the human dignity and considered more harsh, inhuman and arbitrary in nature. Article 19 of

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<sup>14</sup> Article 22(1) of Constitution of India reads as” Protection against arrest and detention in certain cases.

(1) No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest nor shall he be denied the right to consult, and to be defended by, a legal practitioner of his choice.”

<sup>15</sup> 1979 AIR 1595.

<sup>16</sup> Bhagwati, P. N., ” Human Rights in the Criminal Justice System”, 27 JILI 1985 38.

Indian constitution provide the right to freedom but this kind of arbitrary act violate such right. Right against the hand cuffing is with both accused and prisoner (in the judicial custody and trial in process). sometime hand cuffing is necessary in the exceptional cases where police officer have reasons to believe that concerned accused or prisoner may be abscond.

To bind a man hand and foot with hoops of steel shuffle and bring him publically in such a condition in the court and stand him for hours in the court is mentally torture to him. This kind of torture sometime more than the alleged offence punishment, so this type of behavior is to dehumanizing. Supreme court also laid down that it should not be in a routine manner as it is against the human dignity. It is a kind of mental torture to him. But these kinds of guidelines are not followed by the police officers and prisoners have to suffer.

### **CONCLUSION:**

As in regard to the various rights which are granted to the prisoners as has been discussed above over here a liberal view has been adopted to show the rights of prisoners which are in accordance to humanitarian grounds. These rights are to be granted to the prisoners not because they are criminals or prisoners but as they are humans also.

### **CHAPTER: 3**

#### **STATUS OF PRISON AND PRISONERS IN INDIA**

Prisons in India, and their administration comes under the State List as it is a state subject covered by item 4 under the state list in the Seventh Schedule of Indian constitution. The management and administration of prisons falls in the domain of the State Governments and prisons are governed by the Prison Act 1894. States have the authority and responsibility to change the present laws, rules and regulation of the prison which are outdated and inconsistent with the society. The Central Government provides assistance in the different fields of the prison to improve the security in prisons, medical facilities, repair and renovation

of old prisons. Government also work for the improvement of borstal schools, facilities to the women offenders and other reformation training.

Judiciary also shown its vital role in various aspects of the prison administration. The Supreme Court of India through its various judgments laid down three broad principles in relation to the prison status as well as prisoners status in jail which are taken as the guidelines of the higher judiciary. . Firstly, a person in prison does not become a non-person. Secondly, a person in prison is entitled to all human rights within the limitations of imprisonment. Lastly, there is no justification for aggravating the suffering already inherent in the process of incarceration<sup>17</sup>.

There are eight categories of prisons in India. The most common and standard jail institutions are Central jails, District jails, and sub jails. Other types of jails are woman jails, borstal schools, open jails and special jails.

Type	Number	Total capacity
Central Jails	123	137,249
District Jails	333	124,768
Sub Jails	809	50,908
Women Jails	19	4,271
Open Jails	44	3,766
Borstal schools	21	2,218
Special Jails	30	9,279
Other Jails	3	323
Total	1382	332,782

<sup>17</sup> [NCRB Prison Statistics India 2011](http://ncrb.gov.in/PSI-2011/PrisonStat2011.htm) available at <http://ncrb.gov.in/PSI-2011/PrisonStat2011.htm> (visited on 25.10.2015).

### 3.1 Types of prison inmates

In India prison inmates are categorized as convicts, under-trials and Detenues. A convict is a person who found guilty of a crime sentenced by the court. An undertrial is a person who currently on trial before the court of law. A detune is a person who is in judicial custody<sup>18</sup>

There are some more prison inmates in relation with non- Indian Penal Code, they are called the civil prisoners. And such civil prisoners consist of convict and under-trial only.

This tables gives the population and occupancy rate of prisons in India annually<sup>19</sup>.

Year	No. of Inmates			Occupancy Rate
	Male	Female	Total	
2009				122.8%
2010				115.1%
2011	356,902	16,024	372,926	112.1%
2012	368,184	16,951	385,135	112.2

<sup>18</sup> [National Crime Records Bureau](http://ncrb.gov.in/PSI-2013/PrisonStat2013.htm). Available at <http://ncrb.gov.in/PSI-2013/PrisonStat2013.htm> (visited on 25.10.2015).

<sup>19</sup> National crime record bureau available at <http://ncrb.gov.in/PSI-2012/Snapshots-2012.pdf> (visited on 25.10.2015).

### **3.2 Status of prisoners in prison**

The condition of prisoners are very miserable and they are treated equivalent to animals . Lack of basic amenities in the jail premises creates a miserable condition to survive in jail. They are not accessible to the basic conditions necessary for survival. The quality of food provided to them are of substandard quality and are no feasible to intake. Sometimes, they are subject to sexual assault by the jail authorities as well as by the fellow inmates. No action has been taken for their grievances. They are subject to the brutal treatment by the hardcore criminals who are in the dominating position in the jail. They are subject to the long working hours without getting any remuneration in return. The life in prison is just equivalent to hell. Several times this issues was raised by still not been properly addressed by the parliament. The overcrowded jail which simply means the overcapacity also is big challenge. The lack of sensitivity on the part of courts as well as the legislature should be cured immediately. They must understand that the prisoners are also having the same rights which every individual is having which includes the right to live and right to get the justice also. The equality aspect and the justice principle enshrined by the preamble will be defeated if the rights of prisoners will not be addressed.

### **CONCLUSION:**

As in regards to the research done by me and the table which are shown here to discuss about various kinds of prisons which also depicts condition of inmates as shown through the table. It clearly shows us that the number of prisons in India are comparatively low in regards to the prisoners which are brought in the prisons because the numbers are increasing day by day due to an increases in number of criminal activity in the society and also failure of judiciary in deciding the cases. Hence my suggestion over here is that the government should work towards this cause and increase the number of prisons and also toward the betterment of the prisoners and the facilities as given to them in the prisons.

## CHAPTER: 4

### LACUNAE IN LEGISLATION

Since 1894, more than a decade has been passed but it is the lacuna of legislative policy only that there is no law related to rights of prisoners. Mulla committee on jail reform recommended the formation of national policy on prisons and prisoners. After that many attempts are made and even with NHRC (NATIONAL HUMAN RIGHT COMMISSION) government drafted new bill but the dream to keep it in parliament is kept away till date. Inactive attitude of legislature in the field of formation of law for prisoners has compelled judiciary to enter in to domain of the policy maker and had played a pro active role in providing natural human rights to these un recognized class of human. As constitution is the guardian of the Human Rights but there are not specific provision for the rights of prisoners. But judiciary played an important role as it interpreted such rights from the different provision of the constitution. It is duty of the legislature to legislate the law for different fields but in the field of prisoners right it is the lacuna of the legislature.

Part III of the constitution provide the fundamental rights to its citizens and prisoners also included in the citizens hence they also had such rights but they are more subject to restriction than an ordinary person. Most of the rights are interpreted from the Part III of the constitution but they are not given specifically. India is one of the largest democratic country in the world and it having a feature of separation of power which empower the legislature to enact the certain laws and amendment. As we follow the Parliamentary form of government with federal system which made the legislature enacting system more complex. As for enacting law there is a particular procedure to be followed by the legislature. In India there are multi parties, same in the parliament which made the procedure more complex. There are many parties in the opposition side which criticize the law by interpreting it in the wrong manner which result in complexity in the legislating procedure. Hence legislation failed to enact the laws in favor of the rights of the prisoners, there are no check and balances in the prison for the well working of the jail authority. But as a guardian of rights Supreme Court had laid down many guidelines for the prison and rights of prisoners but if we go to the ground reality they are not followed. In

different cases apex judiciary of India provides certain guideline in protection of the rights of the prisoners. Due to the lacuna of legislature prisoners has to suffer, we know that they are law breakers and danger to the society but jail is an institution for the reformation of such law breakers. So it is the duty of the legislature to provide such kind of law which is best for the reform policy. There is a Prison Act 1864, which is modified upto 1<sup>st</sup> January 1957 but it is not sufficient for the purpose of prisoners rights. As it does not contain the provisions regarding the rights of the prisoners. Even the provisions of the Act are not properly implemented.

### **REFORMS REQUIRED**

The amendment shall be made in the prison act, 1864, which fails to address the issues in the present days. The society has changed with the passing of time.

New legislation are required for the reformation of the prisoners in Jail.

New jails shall be made to erase the problem of overcrowding or overcapacity in the Jail.

Proper legal help shall be provided to the prisoners inside the jail.

### **CONCLUSION:**

The laws which are governing the prisons in India, dates back to the year 1864, the law which was made by the britishers still being used by the Indian government even today. This is the major drawback of the parliament which has made several new laws and several amendments to the laws but no amendment or new law has been made by the parliament in regards to the rights of prisoners. So my suggestion over here is that the parliament should work seriously in that matter and frame new laws in regards to the rights of prisoners because it is the demand of modern society of today as, in India it is the period of smart governance in that regard how can the parliament still follow the old law as framed in the year 1864 which was made by the britishers.

## CHAPTER 5

### CONCLUSION/SUGGESTION:

There should be a routine inspection of prison and communication with prisoners. Reasonable limitation should be put on jail authority as well as prison staff. Harsh provision should be enacted and proper implementation of law. The prisoners are also having the same rights which every individual is possessing. They are also entitled to get the same human treatment which by virtue of born as a human being they are having. The reforms done by IPS Officer Kiran Bedi in Tihar Jail is role model for all the prisons in India. Now they are not only getting the right to live but also getting the commercial and technical training. The Tihar Jail Initiatives(TJ's) has now become an attractive spot for the general public. The magistrate shall take a periodical jail visit and the jail authorities shall send a regular report to the concerned magistrate about the status of prisoners. The awareness shall be done in the jail regarding the right to get the bail as well as parole to the prisoners. The law aid shall be provided not only outside the jail but also inside the jail. The big giants easily get out of the jail but the poor people do not escape out of the legal framework for getting the bail and it brings a pause to their life. The constitution of India provides equal rights to every person irrespective of caste, financial status and the same shall be enforce without any discrimination.



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24.02.2012 to 26.02.2012.

