

Traversing the Right to Access to Justice for Prisoners Behind the Bars: A Call for Reform

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Abstract

In the discourse surrounding criminal justice reforms, the focus often gravitates towards transformative and reformatory measures aimed at rehabilitating offenders and reintegrating them into society. Among the myriad rights accorded to prisoners, one fundamental aspect deserving more attention is their right to access to justice, particularly within the confines of correctional facilities. This paper delves into the intricacies of prisoners' rights to access to justice within jail settings, shedding light on the challenges they face and proposing viable solutions to address these pressing concerns. Central to the discussion is the dilemma posed by crimes committed within prisons, where the custodial authority assumes the role of both arbiter and custodian. This raises critical questions about the application of principles of natural justice and the assurance of fair treatment for incarcerated individuals. Often, prisoners find themselves reliant on intermediaries to represent their interests in court, highlighting a systemic deficiency in ensuring direct access to judicial redressal mechanisms. Drawing upon a dearth of doctrinal research on this subject, and with future perspective of dealing empirical comprehension, the paper seeks to fill a significant gap in the discourse on prisoners' rights. It underscores the urgent need to develop mechanisms that facilitate prisoners' access to judicial authorities, thereby safeguarding their right to a fair trial and legal representation. Moreover, it advocates for the establishment of separate judicial mechanisms within jails to adjudicate cases arising within these closed environments, thereby mitigating the inherent challenges of access and representation faced by incarcerated individuals. At the heart of the paper's argument lies the recognition of prisoners as individuals entitled to the full spectrum of human rights, including the right to access justice. It underscores the imperative for stakeholders, including

governmental bodies and legal institutions, to prioritize the enhancement of prisoners' access to justice as a cornerstone of criminal justice reform efforts. Through a multifaceted approach encompassing legal reforms, institutional initiatives, and advocacy efforts, the paper contends that meaningful progress can be achieved in safeguarding prisoners' rights and upholding the principles of justice and fairness within correctional facilities. In conclusion, this paper serves as a clarion call for action, urging policymakers, legal practitioners, and civil society actors to redouble their efforts in ensuring that prisoners are not deprived of their fundamental right to access justice. By addressing the systemic barriers and institutional shortcomings that impede prisoners' access to justice, we can move closer towards realizing a more equitable and humane criminal justice system that affirms the dignity and rights of all individuals, irrespective of their incarcerated status.

Keywords: Prisoners' Rights, Access to Justice, Fair Trial, Correctional Facilities, Legal Representation, Judicial Mechanisms, Natural Justice, Human Rights, Criminal Justice Reform

Panoramic Introduction

The treatment and rights of prisoners have long stood as subjects of paramount concern and significance in every society. In India, a robust legal framework exists to safeguard the rights and ensure the proper treatment of prisoners. These laws are crafted to strike a delicate balance between punishment and rehabilitation, recognizing the inherent dignity and fundamental rights of individuals, even in confinement. The Indian legal system encompasses specific statutes and provisions governing the rights, responsibilities, and treatment of prisoners nationwide. These legal instruments address multifarious aspects, including the administration of prisons, provision of legal representation, healthcare, and rehabilitation programs. Their overarching goal is to ensure equity, justice, and humane treatment for individuals deprived of their libertyⁱ.

The term "*prisoner*" is delineated within the *Model Prisoner Manual*ⁱⁱⁱ, as well as the *Prisoners Act*ⁱⁱⁱ. According to these enactments, a prisoner refers to any individual detained or confined in any jail or prison, either under a sentence of imprisonment or otherwise, in lawful custody.

In addition to domestic legislation, India adheres to international norms and standards concerning the rights of prisoners. These include the *International Covenant on Civil and Political Rights*^{iv} and the *Geneva Conventions*^v, along with the *Basic Principles for the Treatment of Prisoners*^{vi}. These international instruments underscore the importance of upholding prisoners' rights, irrespective of their legal status, and emphasize principles such as humane treatment, access to justice, and rehabilitation.

Specifically, the *Prisoners Act* of 1894 delineates various rights and entitlements afforded to prisoners within the Indian context. These rights encompass access to legal aid, medical care, and communication with the outside world. Moreover, the Act establishes procedures for the classification and management of prisoners, ensuring their safety and well-being within correctional facilities.

During the period of 1980-1983, the *Mulla Committee* put forth recommendations aimed at enhancing the rights and welfare of prisoners. These recommendations sought to address systemic deficiencies and improve conditions within prisons, focusing on areas such as legal aid, healthcare, and vocational training. They underscored the imperative of upholding prisoners' dignity and facilitating their rehabilitation, thereby aligning with broader objectives of criminal justice reform.

It is worth noting that while international instruments, Indian laws, and recommendations by committees provide provisions for prisoners' rights, the crucial question lies in their implementation and follow-up, particularly given that all activities within prisons occur under the purview of the jail authority. While prisoners have the right of access to law, it is the courts that ultimately deliver justice. Understanding the intricacies of the legal framework governing prisoners in India is indispensable for upholding their rights, fostering rehabilitation, and nurturing a fair and progressive criminal justice system. This article delves into the key laws and provisions shaping the rights and treatment of prisoners in India, exploring aspects such as prison administration, access to legal aid, healthcare provisions, rehabilitation programs, rights of prisoners as well as concurrently advancing public safety and the goal of effective rehabilitation.

Rights Within Confines- Constitutional Understanding

The *Indian Constitution*^{vii} designates prison administration as a portfolio of the state to legislate on, thereby entrusting states with the fundamental responsibility of managing prisons to secure the custody and control of prisoners. However, while states formulate legislations for prison management, these laws often lack uniformity and may not adhere to unique standards for the protection of prisoners' rights. This fragmentation highlights the need for a national policy framework that supersedes varying state legislations. It is evident that the current system necessitates a reformative framework in line with international human rights law. Achieving this objective can be facilitated through a national legislation, which would harmonize disparate state laws and establish consistent standards for the protection of prisoners' rights.

Crucially, the Indian Constitution guarantees essential human rights through fundamental rights under Part III and directive principles of State policy in Part IV, which are fundamental to the governance of the country. Among these, Articles 14, 19, and 21 hold particular relevance for prisoners, encapsulating principles of equality before the law, freedom of speech and expression, and the right to life and personal liberty, respectively. Access to justice emerges as one of the most prominent rights under these provisions, ensuring that prisoners have the opportunity to seek legal remedies and redress grievances through the judicial system.

Article 14 of the Indian Constitution serves as a formidable barrier against discrimination and arbitrary state action. It prohibits discriminatory laws and actions, echoing the principle of equality before the law enshrined in Article 7 of the *Universal Declaration of Human Rights*^{viii}. Under Article 14, any form of discrimination by the State against a prisoner can be challenged as a violation of their rights. This article emphasizes the principle that like should be treated alike and provides for the concept of reasonable classification, which serves as a useful guide for prison authorities in determining various categories of prisoners and their classification with the aim of reformation.

Moreover, in *State (Delhi Administration) v. VC Shukla*^{ix}, the Supreme Court upheld the validity of the Act providing for the speedy trial of certain classes of offenses, affirming the importance of Article 14 in embodying the principle of non-discrimination. Article 14 should be read in conjunction with rights conferred by other Articles such as 19 and 21.

Article 19 of the Indian Constitution confers several freedoms on citizens, including freedom of speech and expression, which prisoners can enjoy even behind bars. While certain freedoms such as freedom of movement and residence may be restricted due to the nature of imprisonment, prisoners retain rights related to reformation, such as the freedom to express themselves and associate with others. Violation of these freedoms comes within the purview of Article 19, safeguarding basic, valued, and natural rights inherent in every individual.

Article 21 lies down that no person shall be deprived of their life or personal liberty except according to the procedure established by law. The judiciary has interpreted the term "life" and "liberty" expansively, incorporating various rights applicable to prisoners. In *Maneka Gandhi v. Union of India*^x, the Supreme Court interpreted Article 21, profoundly influencing the administration of criminal justice and prison administration. In numerous cases post-Maneka, the Supreme Court has sought to humanize the administration of criminal justice, expanding the scope of fundamental rights guaranteed by Article 21.

The court has repeatedly emphasized that fundamental rights, including those enshrined in Articles 14, 19, and 21, are available to prisoners as well as freemen, asserting that prison walls do not inhibit fundamental rights. The court has critiqued aspects of prison administration, particularly the practice of causing physical injury to prisoners in the name of maintaining discipline. It has stressed the right of prisoners to the integrity of their physical and mental well-being, affirming that fundamental rights extend beyond prison gates. In *Sunil Batra v. Delhi Administration*^{xi}, the court held that punitive detention cannot be imposed on a person under a death sentence except for prison offenses. It emphasized that fundamental rights do not cease at the prison gates. Additionally, to address the pitiable conditions in jails, the Supreme Court has made recommendations to reduce overcrowding and ensure proper medical care for prisoners in cases such as *Rama Murthy v. State of Karnataka*^{xii}.

Curbing Freedoms: Challenges to Prisoners' Rights

The Supreme Court of India has consistently upheld the principle of judicial scrutiny and intervention to protect the rights of prisoners whenever they are found to have been infringed upon during detention or custody. In the landmark case of *Sunil Batra v. Delhi Administration*

and Others^{xiii}, Justice V. R. Krishna Iyer emphatically stated that "*prisoners have enforceable liberties, devalued may be but not demonetised; and under our basic scheme, Prison Power must bow before Judge Power, if fundamental freedoms are in jeopardy*".

Despite judicial pronouncements, challenges persist in the curtailment of prisoners' freedoms within the prison system. Solitary confinement, still retained in the Prisons Act, has faced vehement dissent from the judiciary. The liberty to move, interact, and associate with fellow inmates is essential for prisoners' well-being and is protected under Article 21 of the Constitution. Any substantial curtailment of these freedoms must be backed by law and adhere to fair, just, and reasonable procedures. Moreover, the Prisons Act addresses prisoners' rights to meet visitors, albeit confined to under trial and civil prisoners. However, the Act remains vague concerning concepts such as prison labour and earnings.

In numerous judgments on various aspects of prison administration, the Supreme Court has articulated three broad principles:

- 1. A person in prison does not cease to be a human being.*
- 2. A person in prison is entitled to all human rights within the limitations of imprisonment.*
- 3. There is no justification for exacerbating the suffering inherent in the process of incarceration.*

These principles necessitate a comprehensive restructuring of the prison system, focusing on humanizing prison conditions, establishing minimum standards for institutional care, reorienting prison staff, and rationalizing prison programs and regulations. Among the directives issued by the Supreme Court, the imperative of fair procedure in dealing with prisoners is underscored. Access to legal provisions within easy reach of the law is essential, ensuring that life or liberty is not suspended without the freshening flow of fair procedure.

Furthermore, the Court has affirmed that prisoners retain fundamental rights tailored to the limitations of imprisonment. These include the right to read and write, engage in exercise and recreation, practice meditation and chant, and enjoy protection from indignities and extreme conditions. Any infringement of these rights constitutes an infraction of liberty or life and must be remedied through fair and reasonable legal procedures. Additionally, the Apex Court has

recognized various rights applicable in the administration of criminal justice, including the right to fair and speedy trial, legal assistance, prohibition of handcuffing of under trials, and protection from police torture and prison grievances.

In the intricate web of legal rights, prisoners find solace in the formidable provisions of the Constitution. Should these rights be infringed upon by the State or its authorities, avenues for recourse emerge through the portals of the Supreme Court or High Court, as enshrined in Articles 32 and 226 of the Constitution. Not only the prisoner but any concerned individual may advocate on their behalf, invoking the doctrine of habeas corpus should the State unjustly detain an individual, withholding their whereabouts from scrutiny. This age-old writ, redefined in the modern milieu by the Supreme Court in the landmark case of *Sunil Batra (II)*, assumes a multiplicity of roles, transcending its traditional confines. Empowered by Article 32, the Supreme Court's jurisdiction extends beyond the rigid constraints of traditional English writs, rendering it a formidable bulwark against infringements upon prisoners' rights, even within the confines of prison walls.

Prison torture, an egregious violation of human dignity, falls squarely within the purview of the Supreme Court under Article 32. Even a mere letter from a prisoner can metamorphose into a writ, beckoning the swift intervention of the judiciary. In the seminal case of *Charles Sobhraj*^{xiv}, the Supreme Court underscored its authority to intercede in prison administration affairs, should constitutional rights or statutory obligations be transgressed, to the detriment of the prisoner. Yet, amidst the legal labyrinth, a poignant question looms: What recourse remains for the prisoner ensnared in a web of crimes perpetrated by fellow inmates or prison staff, with avenues to justice seemingly out of reach? Herein lies the perilous erosion of one of the cornerstone fundamental rights of prisoners—the right to access justice. As the custodians of justice, the prison authorities, vested with state authority, wield an omnipotent gaze over the incarcerated, potentially eclipsing avenues for legal redressal. In this fraught landscape, the sanctity of justice teeters on the precipice, calling for vigilant safeguards to ensure that the hallowed halls of justice remain accessible to all, even those confined behind prison bars.

Prisoners' as Vulnerable Citizens

Within the stark confines of India's correctional facilities, a diverse array of individuals finds themselves ensnared in the intricate web of the criminal justice system. Among them, a significant proportion comprises vulnerable segments of society, including women, children, transgender individuals, elderly, mentally ill, and differently-abled persons, among others. These prisoners, grappling with the dual burdens of incarceration and vulnerability, face a myriad of challenges that demand urgent attention and redressal.

Amidst the labyrinthine complexities of legal proceedings, vulnerable prisoners stand at a distinct disadvantage, their voices often drowned out by the din of institutionalized discrimination and neglect. The pervasive overcrowding in Indian jails, predominantly fuelled by the preponderance of under trial detainees, exacerbates the vulnerabilities faced by these marginalized individuals, rendering them susceptible to mistreatment, discrimination, and abuse within the confines of incarceration. Women prisoners, for instance, encounter a host of challenges ranging from inadequate healthcare facilities to the absence of gender-sensitive accommodations. Similarly, children born or residing in prisons, often deprived of basic amenities and educational opportunities, are robbed of their right to a nurturing and supportive environment conducive to their holistic development.

Moreover, transgender prisoners confront systemic biases and prejudices that undermine their dignity and basic human rights. Their unique needs and vulnerabilities remain largely unaddressed, leaving them vulnerable to harassment, violence, and social ostracization within correctional settings. Elderly and infirm prisoners, grappling with age-related ailments and physical disabilities, endure additional hardships exacerbated by the decrepit conditions prevalent in many Indian prisons. The lack of specialized healthcare services and accommodations further compounds their suffering, underscoring the urgent need for tailored interventions to safeguard their well-being. Similarly, death-row prisoners, condemned to the harshest form of punishment, languish in prolonged uncertainty and anguish, deprived of their right to access legal aid and due process. Their plight epitomizes the systemic failures of the criminal justice system to uphold the principles of fairness, dignity, and humane treatment, even in the face of the gravest of circumstances.

In the quest for justice, it is incumbent upon society, prison authorities, and fellow prisoners to recognize and address the vulnerabilities faced by these marginalized individuals. Concerted efforts must be directed towards bolstering legal aid services, enhancing healthcare provisions, and fostering a culture of inclusivity and compassion within correctional facilities. Furthermore, proactive measures are needed to dismantle the systemic barriers that impede vulnerable prisoners' access to justice, including discriminatory practices, bureaucratic red tape, and procedural delays. Only through collective action and unwavering commitment can society fulfil its obligation to protect the fundamental and human rights of all individuals, regardless of their incarcerated status or vulnerability. In conclusion, the plight of vulnerable prisoners underscores the urgent need for systemic reforms aimed at fostering a more equitable and compassionate criminal justice system. By prioritizing the rights and well-being of marginalized individuals within correctional settings, India can reaffirm its commitment to justice, dignity, and the rule of law, paving the way for a more inclusive and humane society.

Prisoners already facing challenges find themselves even more vulnerable due to the constraints of imprisonment, which severely restrict their ability to seek legal help. With their freedoms curtailed and options for legal action limited, these individuals struggle to navigate a complex system that often overlooks their rights. Subject to both systemic biases and societal prejudices, they encounter significant hurdles in accessing justice, amplifying their already precarious situation. Without adequate support and mechanisms to protect their rights, these marginalized prisoners remain at the mercy of a system that fails to address their needs, perpetuating a cycle of injustice and marginalization.^{xv}

Inmate Crimes and Institutional Issues

Prisons, designed to uphold law and order, sometimes become breeding grounds for further criminal activities and institutional problems. Within the confines of correctional facilities, inmates may engage in illicit behaviours, perpetrating crimes against each other or even involving jail authorities. These acts not only undermine the safety and security of prisoners but also raise questions about the effectiveness of institutional oversight and management. From gang-related violence to corruption within the prison staff, a myriad of challenges plague

the integrity of correctional institutions, exacerbating the plight of those already deprived of their liberty. Addressing these inmate crimes and institutional issues is imperative to ensure the dignity and safety of incarcerated individuals and uphold the principles of justice within prison walls. Introduction

Prison serves as a societal institution designed to confine individuals who have transgressed social norms, disrupting societal harmony. Simultaneously, it endeavours to provide a platform for rehabilitation, aiming to facilitate individuals' reintegration into society. However, amidst these intentions, the prevalence of crime within prison walls stands as an unsettling reality. In the context of India, where prisons are inherently volatile environments, the challenges posed by violence within correctional facilities demand urgent attention. The imperative to address violence within prisons is underscored by its multifaceted repercussions. Research indicates that exposure to violence during incarceration heightens the risk of future criminal behaviour, perpetuating a vicious cycle of recidivism. Moreover, such violence contravenes international legal standards safeguarding prisoners' rights, necessitating robust measures to ensure their protection. Furthermore, the financial and logistical burdens associated with managing violent institutions underscore the urgency of fostering safer, more conducive environments within prisons. In addition to the pervasive violence and psychological distress prevalent within Indian prisons, recent incidents such as the alarming number of pregnancies among female inmates in West Bengal jails underscore the urgent need for reform. The revelation that 196 babies were born to women incarcerated in Calcutta's correctional homes raises grave concerns about the safety and welfare of female prisoners. The reported lack of medical infrastructure within these jails further compounds the vulnerability of inmates, highlighting systemic failures in safeguarding their rights and well-being. Moreover, the suggestion to ban male staff from entering women's enclosures reflects the recognition of the potential for sexual exploitation and coercion within correctional facilities. These contemporary examples serve as poignant reminders of the pressing need for judicial mechanisms to expedite justice and implement robust measures to protect the rights and dignity of all prisoners.^{xvi}

Prisons in India, much like their global counterparts, espouse three primary objectives: punishment, deterrence, and rehabilitation. While ostensibly aimed at promoting societal welfare, the practical realization of these objectives is impeded by the prevalence of adverse

psychological experiences within correctional facilities. Inmates stripped of their autonomy and subjected to dehumanizing conditions, grapple with profound psychological distress, undermining the prospects of effective rehabilitation.

A closer examination of prison dynamics reveals a stark reality characterized by brutality, violence, and perpetual anxiety among inmates. The pervasive sense of insecurity, exacerbated by severed familial ties and the spectre of decline, compounds the psychological toll of incarceration. Moreover, the dehumanizing nature of prison life, marked by isolation and minimalistic living conditions, serves to restrain inmates' individuality, stifling their potential for growth and reformation. In the Indian context, the imperative to combat violence within prisons is further underscored by constitutional guarantees ensuring prisoners' fundamental rights.

Article 21 of the Constitution enshrines the right to life and personal liberty, extending its protection to all individuals, regardless of their legal status. Consequently, prisoners retain their inherent human dignity and entitlement to constitutional rights, necessitating a paradigm shift towards humane and rehabilitative practices. As India grapples with myriad challenges within its correctional system, the imperative to prioritize prison reform and criminal justice reform looms large. Efforts to enhance the efficacy and humaneness of the prison system must be viewed as integral components of broader criminal justice reform initiatives. The intrinsic link between prison life and the administration of justice underscores the need for comprehensive measures to address systemic deficiencies and safeguard prisoners' rights. The plight of inmates underscores the imperative of fostering a more humane and rehabilitative approach to incarceration. Recognizing prisoners' inherent dignity and constitutional entitlements is paramount to effecting meaningful change within India's correctional landscape. By transcending punitive paradigms and embracing a more compassionate and inclusive approach, India can strive towards a future where prisons cease to be mere sites of punishment and instead become catalysts for rehabilitation and societal reintegration.^{xvii}

Prisoners face significant vulnerability to abuse, including physical, sexual, and psychological mistreatment by guards and fellow inmates. Such abuse undermines prisoners' rights and inhibits their ability to seek justice within prison environments. Overcrowding, poor sanitation, and inadequate healthcare infrastructure contribute to the prevalence of health problems,

including TB, HIV/AIDS, and other infectious diseases, within prisons. The spread of these diseases poses significant public health risks, affecting not only prisoners but also prison staff, visitors, and the broader community.

The prevalence of HIV/AIDS within Indian prisons is notably higher than in the general community, with rates ranging from 1.7% to 6.9%. High-risk behaviours', combined with the prison environment's challenges, contribute to the spread of the virus among prisoners. However, discussions about HIV/AIDS remain stigmatized, hindering effective prevention and treatment efforts. Prisoners' access to justice is further hindered by systemic issues such as limited legal aid, lack of comprehensive healthcare provisions, and privacy concerns surrounding HIV testing and treatment. Stigma and taboo surrounding certain topics, such as HIV/AIDS and sexual activity within prisons, exacerbate the challenges faced by prisoners in seeking justice and addressing their health needs. Efforts to safeguard prisoners' rights, ensure access to legal aid and healthcare, and combat the spread of diseases like HIV/AIDS and TB are essential for upholding principles of justice and human rights within prison systems.^{xviii}

Power Dynamics in Prisons- Jailer's Authority

Jailers hold significant powers and authority within correctional facilities, often serving as the primary authority figures overseeing the daily operations of the prison. Their responsibilities range from maintaining order and security to managing the welfare of inmates. Jailer authority includes the ability to enforce rules and regulations, discipline inmates for violations, and make decisions regarding inmate privileges and accommodations. Additionally, jailers have the authority to initiate and oversee investigations into incidents within the facility, including allegations of misconduct or violence. Their role is crucial in ensuring the safety of both inmates and staff, as well as maintaining the overall functioning of the correctional institution. However, with such authority comes the responsibility to exercise it judiciously and in accordance with legal and ethical standards to prevent abuses of power and violations of inmates' rights.

The exercise of quasi-judicial power by correctional authorities involves making decisions that resemble those made by courts, albeit within the confines of the prison system. These decisions

typically pertain to disciplinary matters, parole hearings, and grievance procedures, among others. While correctional authorities do not possess the same level of judicial authority as courts, they are granted significant discretion in interpreting and applying rules and regulations within the prison environment. This quasi-judicial power allows them to adjudicate on issues such as inmate conduct, sanctioning disciplinary actions, and determining eligibility for parole or other privileges. However, it is essential to note that their decisions are subject to review and oversight by higher authorities or administrative bodies, ensuring accountability and fairness in the exercise of their quasi-judicial functions. Though the Prisoners Act give them statutory powers, overall, correctional authorities derive their power and authority from a combination of statutory laws, regulations, and judicial decisions aimed at ensuring the effective and lawful operation of correctional facilities.

Indeed, the dominant position of jailers within the prison system can potentially lead to the exercise of arbitrary power, allowing them to suppress the voices of prisoners and overlook wrongdoings committed by themselves or other staff members. This imbalance of power creates a fertile ground for abuse, where prisoners may feel intimidated or unable to report incidents of misconduct or abuse by jail authorities. Additionally, the lack of transparency and accountability in some correctional facilities exacerbates this issue, as there may be limited oversight mechanisms to ensure that jailers are held accountable for their actions. As a result, there is a risk that the rights and well-being of prisoners may be compromised, and instances of abuse or misconduct may go unchecked. It underscores the importance of robust safeguards, transparency, and oversight mechanisms within the prison system to prevent the abuse.

Analysis of Inside Legal Support- Justice Mechanism

Within the confines of prisons worldwide, corruption and extortion cast a shadow over the legal framework meant to safeguard the rights of prisoners. The power differentials between inmates and guards often pave the way for exploitation. Despite being entrusted with maintaining order and upholding justice, guards succumb to the temptations of bribery due to their meager salaries. This cycle of corruption breeds a system where contraband and special privileges become commodities exchanged for financial gain. In facilities spanning from Colombia to

India to Mexico, disparities among prisoners are stark. While some wield influence and enjoy luxuries like cellular phones and lavish meals, others endure deplorable living conditions. Even within Punjab's prison system, corruption rears its head, as highlighted by a study from Punjab University. Reports underscore the prevalence of corruption in food services, leaving a majority of prisoners dissatisfied and disheartened with the sustenance provided. Despite the existence of legal frameworks within these institutions, prisoners remain ensnared in a web of helplessness. The promises of justice and recourse often remain elusive as corruption permeates every facet of prison life. The disillusionment and discontent among inmates underscore the urgent need for meaningful reforms and safeguards to uphold the fundamental right to access justice behind bars.

The structure of legal support for prisoners in India reveals significant gaps and challenges, as highlighted by various studies and workshops. Currently, legal aid is predominantly accessible to prisoners only at the time of trial, neglecting critical stages such as detention and initial court appearances. This limitation severely undermines the efficacy of the country's legal representation system for the economically disadvantaged, who often find themselves without legal assistance precisely when they need it most. Studies, including those conducted by the Commonwealth Human Rights Watch and the NIMHANS-National Commission for Women, underscore the dire need for comprehensive legal aid structures. A staggering 70% of the prison population is illiterate, lacking even a basic understanding of their rights within the legal system. The economically disadvantaged, who constitute a significant portion of the prison population, struggle to arrange bail bonds and navigate the complex legal procedures.^{xix}

Efforts to address these deficiencies include calls for a more robust legal aid system that encompasses early intervention, such as providing legal assistance at the remand court stage. Suggestions also advocate for the expansion of legal literacy programs within prisons, involving legal aid workers, para-legal staff, and educational institutions to empower prisoners with knowledge of their rights and legal procedures. Furthermore, proposals for expediting trial processes, implementing plea bargaining systems, and enhancing the involvement of Lok Adalats aim to alleviate the burden on under trials and ensure timely access to justice. In summary, the current structure for legal support for prisoners in India faces multifaceted challenges, ranging from limited access to legal aid to systemic issues within the judicial

process. Addressing these challenges requires a holistic approach that prioritizes early intervention, legal literacy, and systemic reforms to ensure that all individuals, regardless of socio-economic status, have equitable access to justice.^{xx}

Towards Equity: Advocacy for Prisoner Rights

Prisoners in India are often side-lined when it comes to their freedoms and access to justice. A majority of them are awaiting trial, meaning they are already grappling with legal battles while enduring the harsh realities of prison life. This situation is exacerbated by the prevalence of unknown cases of abuse and misconduct within jails, which often go unreported in official prison statistics. The absence of data on crimes committed by jail authorities or inmates is deeply concerning, as it hampers efforts to address systemic issues within the prison system. Moreover, the lack of mandated judicial proceedings at the district level further undermines prisoners' access to justice. While vigilance cells exist in some central jails, their executive nature raises doubts about their ability to effectively address grievances. To ensure that prisoners receive fair treatment and true justice, it is imperative to establish separate judicial mechanisms at lower-level jails. This recommendation forms the core of our paper, aimed at addressing the systemic injustices faced by prisoners in India.

To enhance access to justice for prisoners, it is crucial to establish legal aid centres within jails, mirroring the setup in police stations, ensuring continuous interaction and support for inmates throughout their incarceration. Strengthening non-judicial actions is imperative to facilitate prisoners' engagement with the legal system. Introducing technological innovations, such as a panic button system in sub-jails, could enable direct communication with judicial magistrate courts, streamlining the reporting process for grievances and legal concerns. Additionally, fostering regular interactions with judicial members, akin to Lok Adalats, even post-conviction, can provide avenues for resolving disputes and addressing legal issues. The categorization of prisoners' statistics, distinguishing between those with severed relationships and those with existing support networks, can inform tailored interventions. Technological innovations can facilitate systematic meetings with families and friends, ensuring transparent communication and documentation of inmates' experiences. Establishing committees to collect and analyse

data on crimes within lower-level jails, with mandatory monthly reporting to central jail vigilance cells, can enhance oversight and accountability. Overall, a more collaborative and proactive approach, combining legal aid, technology, and judicial intervention, is essential to ensure prisoners' fundamental right to access justice is upheld effectively.

In line with the futuristic vision for jails and transparency, live streaming of jail activities could be implemented, allowing family members and friends of prisoners to monitor conditions and intervene if necessary, thereby enhancing accountability and access to justice. Additionally, incorporating AI advocates and teachers within the prison system could empower inmates by educating them about their rights and the justice system. These AI entities could also serve as monitoring authorities, preventing the misuse of the proposed lubricate processes and ensuring fairness and compliance with legal standards. This holistic approach integrates technological advancements with educational initiatives and oversight mechanisms to foster a more equitable and transparent prison system.

Endnotes

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