

***Title Correctional Institutions In Light Of Judicial Pronouncements,
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I. INTRODUCTION:

“Correction is a branch of Indian criminal justice system, which is concerned with the custody of prisoners, their supervision or rehabilitation. At International level it is a well-accepted rule that correctional system in administration of criminal justice system should act in accordance with reformative policies. The principle behind punishment for a crime has been changed by concept of rehabilitation. **Human Rights Jurisprudence** states that no criminal should not be given inhumane treatment or punishment. This concept of reform has led prison system to be called Correctional Institutions.¹ The main object of these institutions is to prevent the commission of crime and to rehabilitate offenders, so they couldn’t commit the crime again. It is apparently clear that by punishing offenders, others would be deterred from committing the crime. The main goal or purpose for rehabilitation of offender is to prevent him from becoming habitual offender, if he is a first-time offender & in case of repetition of crime will help to prevent habitual offending of habitual offender”.

• Correctional Institutions Covers:

- i. Observation home*
- ii. Children home*
- iii. Woman protective home*
- iv. Shelter home*
- v. Special home*
- vi. Prison*
- vii. Short stay home*

II. THE MAIN FUNCTIONS OF CORRECTIONAL INSTITUTIONS

INCLUDE:

- 1. Deterrence:** By incarcerating the people who have committed offence, Correctional Institutions aim to deter other from engaging in similar behavior.

¹ Priya Rao, “Indian Prison System: Structure, Problem & Reforms”10 RJHSS (2019).

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2. **Rehabilitation:** Correctional Institutions provide an opportunity for rehabilitation by providing various facilities inside jail campus such as education, vocational training, counselling etc.
3. **Protection of Society:** By removing convicted offenders from community & placing them in Correctional Institutions.
4. **Re-Integration:** Correctional Institutions strive to prepare inmates for successful rehabilitation into society after their release. It maybe by giving resources & support to help them find employment, housing etc.²

III. THE ROLE OF JUDICIARY IN SHAPING MODERN CORRECTIONAL INSTITUTIONS:

The 'Supreme Court' of India has performed a very active role in protecting the human rights of inmates. Art.21 of the Constitution of India states that no person can be depressed of their life or personal liberty except it's done through a legal process. This article is essential for protecting social rights in India. The judiciary, by its proactive and positive approach, has become a key institution for addressing human rights violations. By interpreting "*life and personal liberty*" broadly, the judges have created and recognized many specific rights under this Article. This means that, rather than sticking to a narrow and limited interpretation, the courts have expanded the understanding of the fundamental rights to ensure comprehensive protection of individual freedoms. Under the case of Sunil Batra, the SC expressed dissatisfaction with the lack of effective discharge of duties by judicial officers, including Sessions Judges and Magistrates who also serve as ex-officio visitors to jails. The court emphasized the importance of these judicial officers in serving as effective grievance mechanisms for prisoners.³ At the level of the subordinate judiciary, Magistrates and Additional Sessions Judges play a crucial role, especially as

² *Ibid.*

³ Minal H. Upadhyay, "Role of Judiciary in protecting the rights of Prisoners" 2 *IJRHS* (2014).

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Trial court and '*jail inspecting judges*'. The character of jail inspecting judges, in particular, is paramount as they are entrusted with ensuring the protection of human rights of inmates and compliance with legal principles provided in judicial pronouncements concerning the prison system. It is imperative for judges, especially jail inspecting judges, to adopt a harsh positivist approach to law, ensuring that punishment is only administered in accordance with legally sanctioned measures. Judges must refrain from allowing personal biases or moral considerations to influence their decisions, as the purpose of imprisonment is solely to curtail the freedom of the individuals within the bounds of the law. This is particularly important in the case of trial prisoners, where detention is meant to ensure the accused's availability for trial rather than as a form of punishment in itself. The importance of ensuring the rights and well-being of prisoners, emphasizing the need for judges and officials involved in prison oversight to approach their duties with fairness and empathy.⁴ In cases of *Inder Singh vs. State*,⁵ the court has provided specific instructions on how the prison system should rehabilitate inmates, focusing on improving their circumstances and ensuring humane treatment. The state of many prisons is described as dire, with issues such as overcrowding and inadequate medical care needing urgent attention. The judgment in *Rama Murthy vs. State of Karnataka*,⁶ outlines propositions for addressing these issues, including reducing overcrowding and providing proper medical care to convicts.

IV. JUDICIAL PRONOUNCEMENT ON RIGHTS OF

PRISONERS IN INDIA:

The influence of the judiciary on correctional philosophy in India has been profound and transformative, marked by a shift from punitive measures towards a more rehabilitative approach. Key judicial decisions have played pivotal role in advancing correctional

⁴ *Ibid.*

⁵ AIR 2015 SC 691.

⁶ AIR 1996 SC 1739.

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philosophy. The landmark judgments have not only delivered justice in specific cases but also have established principles, guiding the treatment of offenders. For instance, the emphasis on rehabilitation over retribution has been a cornerstone of modern judicial thought. Courts have stressed that sentences should aim not only to deter and punish but also to provide offenders with the necessary tools and support for their recovery and restoration into society. It has led to the implementation of vocational training, education programs, and counseling within the correctional system.⁷

i. Fundamental Rights: These are some rights of the citizen which can't be taken under any situation. The law of the country also sureties some of these rights to the inmates under Indian Constitution such as Arts. 14, 19 and 21⁸. In 'State of Andhra Pradesh vs. Challa Ramkrishna Reddy'⁹, the court observed that an inmate is allowed to every fundamental right until taken away by the Indian constitution. Under 'State of Maharashtra vs. Prabhakar Pandurang Sanzgir',¹⁰ the SC has held that if someone is detained then he can't be deprived of his fundamental rights. The court further observed that every inmate retains all those rights which are enjoyed by every citizen of India. Further, in the case of 'Charles Sobaraj vs. Suptd. Central Jail Tihar',¹¹ it was held that every right available to prisoners under Arts.14, 19 and 21 are though limited but can't be said to be static. They are bound to raise new human heights when stimulating circumstances arise.

ii. Right To Free Legal Aid: The Free Legal Aid scheme aims to uphold the norms of fairness before the law, a cornerstone of our legal system, by providing financial help to those people who are unable to afford legal representation. This help is crucial as it ensures that the rights and freedoms guaranteed by both national constitutions and international human rights agreements are meaningful for all

⁷ *Supra* note 3 at 4

⁸ Virender negi and monika negi, "Human Rights of Prisoners-Role of judiciary" vol.49 *CMLJ* 9 (2013).

⁹ AIR 1989 SC 235.

¹⁰ AIR 1966 SCR (1) 702.

¹¹ AIR 1978 SC 512.

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individuals, regardless of their financial status. While the Constitution of India does not explicitly mention the Right to free legal aid, the judiciary has recognized the importance of providing legal help to impoverished individuals, especially in criminal cases. The inclusion of Free Legal Aid as a 'Directive Principle of State Policy' under 'Article 39A' through the 42nd Amendment Act of 1976 is significant. Although Directive Principles are not directly enforceable by courts, they guide the state in formulating laws and policies. Article 37 emphasizes the state's duty to apply these principles, while Article 38 underscores the obligation to promote social welfare and justice in all aspects of national life¹². In landmark cases M.H. Hoskot vs. State of Maharashtra¹³, and Maneka Gandhi vs. Union of India,¹⁴ the Supreme Court interpreted Articles 21 and 39-A, along with other legal provisions to affirm the right to legal aid as an important component of reasonable and impartial legal procedures.

iii. Right To a Speedy Trial: This right is indeed a fundamental aspect of providing justice and protecting human rights. As outlined in various judicial precedents, such as A.R. Antulay vs. R. S. Nayak¹⁵, and Hussainara Khatoon vs. Home Secretary¹⁶, that this right encompasses all stages of the legal process, from investigation to appeal. The Supreme Court has emphasized that any procedure that fails to ensure a reasonably quick trial violates Art.21 of the Indian Constitution, which provides the right to life and personal liberty. In essence, the right to a speedy trial is intrinsic in the principles of fairness and reasonableness, as established in landmark cases like Maneka Gandhi's. The judiciary has consistently reiterated that any delay in the trial process, whether in investigation, trial proceedings, or delivery of judgments, can infringe upon this fundamental right. In, Anil Rai vs. State of Bihar¹⁷, court specifically addressed the issue of delays in the delivery of judgments, highlighting that prolonged and unexplained

¹² *Supra* note 8 at 10.

¹³ AIR 1978.

¹⁴ AIR 1978.

¹⁵ AIR 1988 SCC (CRI) 372.

¹⁶ AIR 1979 SCR (3) 532.

¹⁷ AIR 2001 SCC 3173

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delays by the judiciary can also violate Article 21. This underscores the importance of not only expediting the trial itself but also ensuring timely resolution and pronouncement of judgments.

iv. Right Against Handcuffing: The court emphasized that binding a person from hand-and-foot, restraining their limbs with steel hoops, forcing them to shuffle in public spaces, and to subject them to prolonged standing in courts, constituted a form of torture. It not only inflicted physical discomfort but also stripped away the individual's dignity, corroded societal values, and eroded the fundamental principles of the Indian Constitution. In the case of *Prem Shankar vs. Delhi Administration*¹⁸, Justice V.R.Krishna Iyer made a significant ruling regarding the use of handcuffs on prisoners. He deemed it *prima facie* inhuman, suggesting that it was inherently unreasonable, excessively harsh, and arbitrary upon initial examination. The Supreme Court, concurring with this view, found that the practice of handcuffing and fettering prisoners violated the guarantee of human dignity, which is a fundamental aspect of India's constitutional culture. This violation was seen as contravening several constitutional provisions, including equality before law, rights to fundamental freedoms (Art. 19), and the Right to life and Personal liberty (Art. 21). The SC's observation reflected a strong condemnation of routine handcuffing, stating that it amounted to torture, defiled the dignity of the individual, vulgarized society, and tainted the essence of India's constitutional culture.

v. Right Against Inhumane Treatment: The right against inhuman treatment is a fundamental principle enshrined in various international human rights treaties and upheld by courts worldwide. In the context of prisoners, this right is particularly crucial as they are inherently vulnerable to abuse and mistreatment. The Supreme Court of India has played a significant role in safeguarding this right through its decisions and directives to state and prison authorities. One of the key aspects

¹⁸ AIR 1980 SCC 1535.

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highlighted by the court is the prohibition of certain instruments of restraint, such as Handcuffs, Chains, Irons, And Straitjackets, in punishing prisoners. Under the case of 'Kadra Pehadiya vs. The State of Bihar'¹⁹, the court, was not happy to watch four inmates which were waiting for their trial chained in leg irons. The court said this goes against prison rules and guidelines set by previous cases. The court ordered the removal of the leg irons immediately and said prisoners should only be put in leg irons according to specific rules set in earlier cases.

vi. Right To Live with Human Dignity: This right of persons to live with human pride is save under the constitution of India. It is also provided to the prisoners as their sentence does not render them inhuman. This right forms the important part of right to life guaranteed under the Indian constitution. In 'Maneka Gandhi vs. Union of India'²⁰, the SC of India expanded the interpretation of Art. 21 of the Indian Constitution, stating that the "right to life" encompasses more than just the physical existence of an individual. It also includes the right to live with human dignity. This landmark case highlighted that the right to life is not merely about survival but also about living a life with dignity and respect. The court further in 'Francis Coralie vs. Delhi Administration'²¹ elaborated the meaning of the right to life by emphasizing that the term 'life' in Article 21 includes not only the right to exist but also the right to enjoy the basic necessities essential for a dignified life. These necessities encompass adequate nutrition, food, clothing, and shelter. Additionally, the court emphasized the significance of education, liberty of expression, and the skill to interact with society by way of integral components of the right to life with dignity.

vii. Right Against Solitary Confinement And Bar Fetters: The view of Indian court on solitary confinement and the use of bar fetters reflects a promise to upholding the dignity and rights of inmates, even in context of punishment &

¹⁹ AIR 1997 SC 3750.

²⁰ AIR 1978.

²¹ AIR 1981 SCR (2) 516

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incarceration. Solitary confinement is recognized as having a profoundly degrading and dehumanizing effect on individuals, stripping them of social interaction and often exacerbating mental health issues. The courts have emphasized that solitary confinement should only be employed in rare circumstances where a prisoner poses a significant threat to others and must be isolated for safety reasons. This underscores the principle that the punishment should fit the crime and not extend to cruel or unusual treatment.²² Under the case of **'Sunil Batra vs. Delhi administration'**²³, the SC scrutinized the legality and appropriateness of solitary confinement, establishing precedents and guidelines for its use within the Indian prison system. These guidelines likely include provisions for periodic review and oversight to prevent abuses and ensure that solitary confinement is not used as a punitive measure without justification. Similarly, the courts have condemned the use of bar fitters as an excessively harsh and dehumanizing form of restraint. Such practices not only infringe upon the basic rights of prisoners but also run counter to the principles of human dignity enshrined in the Constitution of India. The Indian judiciary's stance on solitary confinement and bar fitters reflects a commitment to balancing the need for prison security with respect for the fundamental rights and dignity of individuals within the criminal justice system. This approach underscores the importance of humane treatment and rehabilitation even in the context of punishment.

viii. Right To Life and Personal Liberty: Art. 21 of the Constitution of India provides the right to life and personal freedom. After passing of several years, the Hon'ble SC of India has interpreted this provision expansively, acknowledging that the right to life covers more than mere survival; it includes the right to live with pride, freedom, and fulfillment. In the landmark case of **'Kharak Singh vs. State of UP'**²⁴, the court articulated that the term "life" in Article 21 extends beyond mere animal existence. It encompasses the entire range of human faculties and attributes that

²² Rahul Kumar Baisla, "role of judiciary in protecting the rights of prisoners" vol.2 *IJLDDI* 123 (2012).

²³ AIR 1980 SCC (CRI) 777.

²⁴ AIR 1962 SC 1295.

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make life meaningful and enjoyable. The court emphasized that the protection of life extends to the preservation of not only physical existence but also mental well-being, personal autonomy, dignity, and individual freedom. The court's interpretation has led to the recognition that the right to life includes various components such as the right to privacy, the right to personal autonomy, the right to a fair trial, the right to education, the right to health, and the right to a clean environment, among others. These rights are essential for individuals to live a life of dignity and fulfillment. Moreover, the court has held that the right to life is not merely a negative right, i.e., the right to be free from interference by the state, but also a positive right, i.e., the right to access resources and opportunities necessary for a dignified life. Therefore, the state has a duty not only to refrain from arbitrarily depriving individuals of their life and liberty but also to take affirmative actions to ensure the realization of socio-economic rights that are essential for a meaningful existence.

ix. Right To Health and Medical Treatment: This right is indeed an essential aspect of human rights, and it's enshrined in various legal frameworks, including the Indian Constitution. Art. 21, which ensures the right to life and personal freedom, has been read by the Indian judiciary to include the right to health care. This interpretation has been reinforced through landmark cases such as Parmanand Katara vs. Union of India²⁵, and Paschim Bengal Khet Mazdoor Samiti vs. State of West Bengal²⁶. In the case of Parmanand Katara vs. Union of India, the court emphasized the duty of doctors, particularly those working in government hospitals, to give medical assistance to save life. This duty is considered paramount, and any delay or failure to provide necessary medical aid can be seen as a breach of this obligation. The court essentially held that a doctor's professional duty transcends any legal or bureaucratic impediments, emphasizing the urgent nature of medical assistance in preserving life. Furthermore, in Paschim Bengal Khet Mazdoor Samiti's case the

²⁵ AIR 1989 SCR (3) 997.

²⁶ AIR 1993 SC 2335.

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court has reiterated that a govt. hospital could not reject any patient the '**right to treatment**' on the basis of non-availability of beds. If they do so, then it would amount to breach of Art. 21 that highlights the right to life.

x. Right To Have Interview with Friends, Relatives And Lawyers: In a number of cases the SC of India measured the scope of the rights of the inmates to have meetings with their family, relatives & lawyers. In **Dharambir vs. State of U.P**²⁷ the court has focused on the State Government to allow inmates to have visits from family members and, at least once a year, to visit their families under guarded conditions. This ruling emphasizes the importance of maintaining familial connections for inmates. under **Hussainara khatoon vs. State of Bihar**²⁸ the court affirmed that it is a constitutional right for every accused person, especially those unable to afford legal services due to poverty or other reasons, to have access to free legal services provided by the state. Failure to provide such services could lead to the trial being invalidated under Article 21, which provides the right to life and personal freedom. Further, in **Sheela Barse vs. State of Maharashtra**²⁹, the court while acknowledging the necessity of prisoner interviews for collecting accurate information, the court emphasized the need for regulation and control over such access to maintain order and security within prison facilities. Under **Jogindar Kumar vs. State of U.P**³⁰ the court recognized the expanding horizon of human rights alongside increasing crime rates. It emphasized the importance of informing someone about an arrest and underscored the need to balance individual rights and liberties with collective duties and responsibilities, especially in matters of arrest and detention. Further, **Francis Coralie Mullin vs. The Administrator, Union Territory of Delhi & others**³¹, court reinforced the right to life and freedom as including the right to live with human pride. Detainees are entitled to interviews with family members, friends,

²⁷ AIR1979 SCC (3) 645.

²⁸ AIR1979 SC (3) 532.

²⁹ AIR 1983 SCR (2) 337.

³⁰ AIR 1994 SC 260.

³¹ *Supra* note 21.

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and lawyers without severe restrictions, emphasizing the importance of maintaining human dignity even during periods of detention.

xi. Right To Publication: The SC has observed in a case wherein the prisoners were not allowed to read scientific book that there was nothing in the Bombay Detention Order, 1951 that prohibits a prisoner from writing and publishing a book. In case of Raj Gopal vs. state of Tamil Nadu³², the supreme court has held that there is no authority in law that could priorly deny the permission to publish the autobiography of prisoner.

V. SUGGESTIONS FOR IMPROVING CORRECTIONAL INSTITUTIONS:

- *Ensure prisoner's diets are medically appropriate. Diets should strictly adhere to medical norms to support prisoner's health. Special diets should be provided as prescribed by medical professionals. Corruption related to food distribution among jail staff should be completely eradicated to ensure fairness and health standards are maintained.*
- *Prisoners should have a reasonable number of interviews with their relatives, promoting social support and rehabilitation. Unlimited opportunities for writing and receiving letters should be allowed, facilitating ongoing connections with families.*
- *compulsory education should be provided for illiterate prisoners, aiming to enhance their skills and future prospects. Efforts should be made to expand educational programs for all prisoners, regardless of literacy level. Vacant positions for part-time teachers should be filled, and additional teachers hired to meet educational needs within prisons.*
- *Vocational training programs should be introduced to prepare prisoners for independent functioning in society upon release. Training programs should be adjust as per the prisoner's capabilities and needs, focusing on practical skills that enhance employability.*
- *Prisoners should be classified based on age, nature of crime, and sentence passed, to facilitate appropriate management and rehabilitation. Correctional treatment should*

³² AIR 1995 SC 264

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begin early, for rehabilitating prisoners and reducing recidivism rates. Additional personnel who are trained in correctional approaches should be hired, and existing staff should receive training to effectively implement rehabilitation programs.

- *Recreational facilities, including access to books and reading materials, should be expanded to encourage intellectual growth and personal development. Prisoners should be encouraged to pursue activities like painting, music, etc. Access to religious books of choice and the introduction of transcendental meditation under religious guidance can support spiritual and mental health.*
- *Parole and other non-institutional treatments should be widely employed, except in cases affecting state's security. Existing restrictions in the Jail Code should be lifted to allow for more flexible and effective treatment options. Regular committee meetings should be held to select inmates for these beneficial treatments, ensuring fairness and transparency in the process.*
- *The prison manual should be physically accessible in every jail for inmates, staff, and visitors for easily accessing the rules and procedures. This promotes transparency and ensures everyone to understand the guidelines.*
- *Vocational training should be extended to all deserving inmates, regardless of their background or sentence. This expansion ensures that more prisoners are provided with the required skills to reintegrate into society productively.*
- *Prisoners are allowed to file complaints, against prison staff. A special grievance box might be provided for this purpose, managed by the Superintendent of the Jail. Prisoners should not face any harm for raising complaints or speaking against prison staff.*

VI. CONCLUSION:

Jails play a crucial role in the modern criminal justice system. They serve not just as places of detention but also as centers for correction and rehabilitation. Compared to other prison reform systems in India, the Indian prison system is quite organized. Today, significant changes have been made to prison reforms. Prisons now offer various facilities such as video

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conferencing, jammers, health care, higher education, libraries, and meditation centers. They have also adopted advanced technologies. According to the Jail Manual, legal aid is provided, and prisons are regularly inspected by higher authorities from the Jail Department, National Human Rights Commission, and State Human Rights Commission. Overall, the current prison system is well-organized and disciplined. The concept of reformation and rehabilitation of prisoners has evolved significantly over centuries, particularly influenced by various prison reform movements. Historically, prisons were primarily viewed as punitive institutions, where the emphasis was on isolating offenders from society as a form of punishment. However, by the 18th century, reformers like John Howard began to advocate for changes that aimed at the moral and behavioral transformation of prisoners. John Howard, an influential English philanthropist, introduced the idea of solitary confinement as a means to isolate prisoners from corrupting influences and to provide them with an environment conducive to reflection and spiritual reformation. He also campaigned for improvements in prison conditions such as better hygiene, food, and clothing, believing that these factors were crucial in rehabilitating prisoners and preventing recidivism. His approach laid the foundation for the humanitarian treatment of inmates & the idea that jails should focus on rehabilitation rather than mere punishment. Jeremy Bentham, who has also given his contribution in the development of penology, approached prison reform from a utilitarian perspective. Bentham believed in the principle of maximizing happiness and minimizing pain, and he argued that the prison system should be designed to achieve the greatest good for the greatest number. He visualized a system of panopticon prisons, where inmates could be constantly observed by a single watchman without knowing when they were being watched. Bentham saw this as a method to induce self-discipline and reform in prisoners through the certainty of observation. The evolution of these ideas marked a transition from punitive measures towards a more rehabilitative approach within the criminal justice system. The focus shifted towards understanding the root causes of criminal behavior and implementing measures to address them through education, vocational training, psychological counseling, and social reintegration programs.