



The role of the Indian Judiciary in safeguarding the rights of under-trial prisoners: A socio-legal analysis

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Abstract

Under-trial prisoners form a considerable portion of the Indian prison population, posing major issues of protection of human rights and effective operation of the criminal justice system. Despite the guarantees provided by the Constitution concerning equality and individual liberties, several individuals continue to be held in jails without any conviction, many times for extended periods. This research paper attempts to highlight the role played by the Indian judiciary in protecting the rights of under-trial prisoners from a socio-legal perspective. Judicial intervention measures like *Hussainara Khatoon v. State of Bihar*, *Sunil Batra v. Delhi Administration*, and *Re: Inhuman Conditions in 1382 Prisons* are discussed in this paper along with the way these judgments have contributed to expanding the ambit of Article 21 of the Constitution of India. The gap between judicial decisions and their implementation has been analyzed, and the socio-economic factors contributing to this gap have also been explored. Finally, it is concluded that the Indian judiciary has made a significant contribution to protect the rights of under-trials but certain obstacles need to be overcome.

Keywords: Under-trial prisoners, judiciary, Article 21, speedy trial, bail, prison reforms, legal aid, socio-legal analysis

Introduction

The criminal justice process in India operates on the premise that everyone is considered innocent until proven guilty. Yet, the harsh truth about under-trial prisoners stands contrary to this notion. Under-trial prisoners refer to individuals who have been arrested but await trial. Under-trial prisoners form a significant number of the total prison population^[1].

The existence of under-trial prisoners in jail for an extended period of time necessitates an evaluation of their fundamental rights, especially their right to life and liberty as enshrined in Article 21 of the Indian Constitution. In light of the above issues, the Indian judiciary has played an instrumental role in protecting such rights through judicial activism^[2].

This research paper aims at investigating the role of the Indian judiciary in protecting the rights of under-trial prisoners.

Conceptual Framework: Under-Trial Prisoners and Socio-Legal Framework

An under-trial prisoner refers to a person who has been formally charged with the commission of an offense but has not yet been found guilty in a court of law. Incarceration of such individuals could be done for procedural reasons, including making sure they attend the hearing, ensuring there would be no attempt to tamper with evidence, or that they do not cause any threats to law and order. Nonetheless, pre-trial detention in India frequently goes way beyond this scope^[3].

From a legal perspective, the case of under-trial prisoners remains quite special and contradictory. While being acquitted based on the fundamental principle of criminal law, under-trial prisoners still face conditions comparable to those imposed on convicted persons. In other words, this situation brings about an inherent weakness in the judicial process, where the differences between accused and convicted persons are hardly observable.

1. Presumption of Innocence and Pre-Trial Detention

Presumption of innocence is a basic legal principle in criminal proceedings, which finds its application in national and international judicial practice. The idea lies in the fact that no one should be considered guilty before proven in a fair trial.

In other words, if people spend long time in prison before trial then their situation becomes close to the punishment rather than prevention of crime. This aspect was particularly highlighted in the Supreme Court judgment in *Hussainara Khatoon v. State of Bihar*, wherein such practices were harshly criticized. This practice of incarceration before conviction violates the personal liberty guaranteed under Article 21 of the Constitution.

2. Socio-Legal Approach to Law: Law as Practice

The main idea behind the socio-legal approach is that it analyzes the law and legal system in a wider context. From the standpoint of under-trial prisoners, this means that their incarceration is not just a legal issue, but also reflects some wider social realities and inequalities.

For instance, scholars such as Upendra Baxi believe that Indian legal system reproduces society's hierarchical nature. In other words, the law is not impartial and reflects the economic and political structure of society.

3. Poverty and Economic Disparities

Poverty can be considered as one of the major factors contributing to under-trial detention because economically weaker persons tend to be arrested more often. There are several reasons for that as follows:

These factors include the following:

- Incapacity to provide bail bonds or sureties
- Inability to fund the hiring of effective lawyers
- Relevance of overworked legal aid services

As a result, the process of detention takes more account of financial capability rather than the seriousness of the crime. This implies that the criminal justice system victimizes people living in poverty, thus making it a basis of imprisonment.

4. Illiteracy and Legal Powerlessness

Other important factors include illiteracy and poor levels of education, which make it difficult for under-trial prisoners to realize the following:

- Their legal rights
- Avenues like bail and legal aid
- Systemic protections in place

This makes it difficult for under-trial prisoners to take control of their legal cases because of their ignorance, and therefore, they become reliant on others.

5. Caste, Social Marginalization, and Structural Bias

Caste-related discrimination remains one of the critical factors that contribute to justice in India. Individuals from SCs, STs, and OBCs have been found to dominate the ranks of under-trial prisoners.

Such a trend could be explained by the following reasons:

- Historical marginalization and poverty
- Social prejudice and labeling
- Selective policing and frequent arrests

In sociological terms, this phenomenon could be called “structural bias.” The criminal justice system not only fails to address social and economic inequalities but also perpetuates them.

6. Gendered Dimensions within the Socio-Legal Framework

Although the share of female prisoners as under-trials is lower, their case studies reflect how gender interplays with other dimensions of marginality. This includes:

- Social ostracism and familial rejection
- The absence of facilities for women which take into consideration gender sensitivity
- Further responsibilities on account of childcare and women's reproductive needs

This shows that gender is indeed a very important determinant of the experience and access to justice in detention^[4].

7. Systemic Inefficiencies and Organizational Limitations

The issue of detention of suspects before conviction gets worsened by inefficiencies in the criminal justice process. Such inefficiencies include:

- Delays in judiciary due to backlog of cases
- Overworked judicial system
- Understaffed judicial system

Inefficient investigation processes: Delays in filing charge sheets and gathering evidence

These institutional weaknesses contribute to prolonged detention, even in cases where the evidence is weak or the offence is minor^[5].

8. Overcrowding and the “Pre-Trial Punishment” Phenomenon

This combination creates a condition referred to as “pretrial punishment.” The undertrials may be innocent, but the following happens to them:

- Deprivation of liberty
- Dreadful prison conditions
- Social discrimination

This makes the whole procedure of arrest tantamount to punishment without any conviction, and hence it compromises the integrity of the criminal justice system^[6].

Constitutional and Legal Framework

1. Article 21 and the Right to Personal Liberty

Article 21 of the constitution provides the right to life and personal liberty. This article has been interpreted widely by the courts and includes the right to a fair and speedy trial.

In *Hussainara Khatoon v. State of Bihar*, the Supreme Court declared that the right to speedy trial is one of the vital aspects of Article 21 of the Constitution. The Court clearly pointed out that delay in trials is unconstitutional.

2. Article 39A and Legal Aid

Article 39A requires the State to provide free legal aid so that there is equal justice. This provision has been supported strongly by the courts through different judgments.

In *Khatri v. State of Bihar*, the Court stated that the right to legal aid is a fundamental right and should be provided at all stages of the criminal process^[7].

Judicial Activism and Landmark Judgments

1. Hussainara Khatoon Case: Right to Speedy Trial

The judgment in the case of *Hussainara Khatoon v. State of Bihar* was the beginning of judicial activism in India. The Court ordered the release of thousands of under-trials and pointed out the problems of persons who have spent more time than their punishment in prison^[8].

2. Sunil Batra Case: Prisoners’ Rights

Sunil Batra vs Delhi Administration is a notable judgment in which the court broadened the ambit of prisoners' rights, underscoring that imprisonment does not imply the loss of one's basic rights^[9].

3. Re: Inhuman Conditions Case: Prison Reforms

The case involving *Re: Inhuman Conditions in 1382 Prisons* was concerned with issues such as overcrowding, inadequate sanitary facilities, and the lack of healthcare facilities in prisons. Guidelines have been set forth by the Court in order to enhance the conditions of prisons^[10].

Bail Jurisprudence and Judicial Discretion

The concept of “bail, not jail” has been highlighted by the judiciary as a means of avoiding the detention of people in prison unnecessarily.

However, it must be noted that this principle is inconsistently applied.

In *Moti Ram vs. State of M.P.*, it was stated by the Supreme Court that the conditions of bail should be justifiable and non-discriminatory^[11]. Nonetheless, several under-trial prisoners find themselves languishing in prison due to their inability to furnish bail^[12].

Socio-Legal Challenges in Implementation

Although the courts have been supportive, a number of issues persist that undermine the efficacy of measures undertaken to protect under-trial prisoners.

1. Delay in Trial Proceedings

A significant barrier faced is delay in trial proceedings. Indian courts are plagued with an overwhelming number of pending cases. Complex procedural issues, adjournments and the lack of enough judges lead to the protracted detention of under-trial prisoners^[13].

2. Income Inequalities

Income inequality is one of the factors that influence the process of access to justice. Inability to pay for quality legal services leads to lengthy detention in prison for the poor. The poor are thus more likely to spend many years behind bars than others due to economic barriers to justice^[14].

3. Legal Ignorance

Many under-trial prisoners do not know about their right to legal defense, right to bail, etc. Consequently, they cannot seek protection through legal means but must depend on others^[15].

4. Institutional Constraints

The impact of judicial reforms also gets hindered because of the weak institutional structure in the country. The prisons in India are usually characterized by overcrowding and infrastructure problems, and legal aid mechanisms have been strained beyond capacity. These factors make it difficult for the courts' efforts regarding the protection of under-trial prisoners from having any impact^[16].

Critical Analysis: Judiciary's Role and Limitations

It is worth mentioning that the role of Indian judiciary has been transformational and positive towards ensuring that the rights of under-trial prisoners are protected through an expansion of fundamental rights, including those enshrined under Article 21 of the Indian Constitution. Nevertheless, despite these achievements, judicial interventions are also subject to several limitations^[17].

Dependency on the Executive Branch

The biggest limitation associated with judicial measures undertaken to ensure the protection of under-trial prisoners' rights is the fact that they depend entirely on their implementation by the executive branch of government. While courts may make directives, their implementation is usually done by law enforcement agencies such as police departments and prisons.

Lack of Monitoring and Accountability Mechanisms

In addition to this, another issue is that there are no proper systems of monitoring to check the implementation of judicial orders. Even when the judiciary passes orders to make improvements, there is no constant mechanism in place to assess whether they have been followed or not. This leads to a divergence between what is pronounced and what happens on the ground.

Structural Inequalities Unaffected by the Judiciary

The judiciary functions within a wider socioeconomic context marked by inequalities like poverty, illiteracy, discrimination based on caste, and non-access to legal aid among others. Such issues play an important role in determining who ends up becoming an undertrial prisoner and how long he stays in jail. Even if the judiciary manages

to interpret the law in favor of prisoners and pass orders in favor of their rights, it cannot overcome such systemic inequalities alone without legislative help^[18].

Limits of Judicial Activism

Judicial activism has been immensely helpful in promoting the cause of prison reform and exposing the flaws in the criminal justice process. Nevertheless, it has some intrinsic limits. The judiciary cannot formulate any policy or administer its execution^[19].

Conclusion

Through proactive judicial involvement and landmark decisions, the judiciary has protected the rights of the under-trial prisoners by giving a progressive and dynamic interpretation of various constitutional rights, especially Article 21. These efforts have not only served as relief measures for thousands of under-trial prisoners but also helped expose the flaws in the criminal justice system which have existed since ages.

Nevertheless, despite these developments, there still prevail problems like prolonged detention, overcrowding of prisons, and poor living standards. Hence, it becomes evident that the judicial intervention is not enough to resolve the issue at hand. There needs to be an alignment of the pronouncements made by the judiciary in practice as well. Thus, it would be pertinent to state that there should be a more holistic approach to solving the problem, and there must be coordination among different branches of government including the judiciary. The legislations must focus on reforming various practices relating to delays in trials and bail procedures, while the administration should work towards improving the existing facilities in prisons and ensuring proper enforcement of the law^[20].

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