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PRISONERS' RIGHTS & PUBLIC INTEREST LITIGATION

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INTRODUCTION

In recent years, jurists, sociologists, and human rights advocates worldwide have focused on prisoners. Prisoners' rights appear to have been based on human dignity and citizenship. Imprisonment does not abolish basic rights. Prisoners used to have no rights, even their basic rights, when they were captured and imprisoned. Prisoners' rights acquired prominence over time. Prisoners now have the same rights as free men and are no longer state slaves. They have dignity and rights as Indian citizens under the Constitution. ¹Today, Indian courts protect inmates' rights. Art. 38 (1) of the Indian Constitution states that the state shall promote the welfare of the people by guaranteeing and safeguarding as efficiently as it can a social order in which justice, social, economic, and political inform all national institutions. Thus, the prison administration must provide adequate welfare services for convicts and create a just and humane environment in the jail, like a hospital for patients.

Article 10 of the 1966 International Covenant of Civil and Political Rights states that prisoners must be treated with decency and respect. The prisoner should not have given up his rights at the gate. Undoubtedly, punishment has given way to reformation. Modern judicial systems rely on reformatory and rehabilitative methods. One key document that sparked the human rights movement was the European Convention on Human Rights. It allows for the humane treatment of prisoners and imposes some crucial safeguards against the arbitrary and fantastical activities of the State. In 1967, the Human Rights Committee formed an ad hoc committee of specialists to evaluate and suggest action on South African detenus and ill treatment claims. The Commission on Human Rights ordered the above group to evaluate prisoner conditions in Portuguese possessions in Africa, Namibia, and South Rhodesia in 1968. The UN General Assembly adopted the Declaration on the Protection of All Persons from Torture on December

¹ Gul, Rais, "Our Prisons Punitive or Rehabilitative? An Analysis of Theory and Practice," (2018) 15 *Policy Perspectives* 67–83, available at <https://doi.org/10.13169/polipers.15.3.0067> (last visited Apr. 13, 2025).

9, 1975. The Universal Declaration of Human Rights condemns torture as an offense against human dignity and fundamental freedoms.

CONSTITUTIONAL RIGHTS OF PRISONERS

Prisoners' rights in India were ignored until our Constitution added a new dimension of personal liberty that covers them. India discovered this later than western countries. The judiciary, which is entirely responsible for protecting prisoners' rights under Article 21 of the Constitution, deserves respect for highlighting this issue. The Constitution includes human dignity as a fundamental right.

No fundamental rights for prisoners are mentioned in the Indian Constitution. Through judicial activism, judicial offices have increased Part III of the Constitution's freedoms. The courts acknowledge the right to counsel, timely trial, physical protection, expression, family meeting, and against cruel, unusual, or oppressive jail practice. Article 14 requires the state to provide equal protection and equality before the law.² This covers prison inmates as well. Indian citizens, including prisoners, have many fundamental freedoms under Article 19. Criminal law constitutional rights are in Articles 20, 21, and 22. Persons are protected from ex post facto laws by Article 20 (1). This paragraph shields a prisoner from punishment or punishment circumstances that were not authorized by law at the time he committed the alleged conduct and for which he was convicted and sentenced after the trial. The domestic laws govern the formation of the administration of prisons as well as the rights of the convicts. The Constitution prohibits cruel and unusual punishment, yet inmates have limited rights. This safeguard demands that the convicts be granted a minimum level of living. Prisoners have other Constitutional rights, including administrative appeal due process. Thus, prisoners are protected against race, sex, and creed discrimination. Prisoners have limited speech and religious privileges.

² Global Citizenship Commission. "The Long and Influential Life of the Universal Declaration of Human Rights." *The Universal Declaration of Human Rights in the 21st Century: A Living Document in a Changing World*, edited by Gordon Brown, 1st ed., vol. 2, Open Book Publishers, 2016, pp. 29–38. *JSTOR*, <http://www.jstor.org/stable/j.ctt1bpmb7v.9>. Accessed 13 Apr. 2025.

SOLITARY CONFINEMENT, HANDCUFFING, BAR FETTERS, AND TORTURE

Black's Law Dictionary defines solitary confinement as the separate confinement of a prisoner, characterized by limited access to other individuals. It entails the complete isolation of a prisoner from all human interaction, with confinement in a cell designed to prevent direct contact or visibility with any person, as well as the absence of employment or instruction. The Apex Court in *Sunil Batra* determined that solitary confinement may only be applied in exceptional circumstances, specifically when the convict poses a significant threat that necessitates separation from the general prison population. The court illustrated the dehumanizing impact of solitary confinement by stating: The presence of another individual provides solace to the soul. Interpersonal communication serves as a remedy for emotional distress. The rejection of both, coupled with total segregation, leads to a path toward insanity.

The court determined that solitary confinement may be applied only in "rarest of rare cases" and must strictly comply with the procedural safeguards outlined in the relevant decisions regarding prisoner punishment. The Supreme Court prohibited the use of bar fetters on prisoners, considering human rights implications. The Court noted that a significant number of prisoners, including minors and undertrials, are often shackled continuously for extended periods, which is a disturbing situation that challenges cultural norms. The addition of these elements, at first glance, reveals the class nature of injustices within the prison system, particularly for a discerning sociologist.³

The court underscored that the perpetual confinement of a prisoner in shackles dehumanizes the individual, equating such treatment to that of an animal. It deemed the use of bar fetters as excessively cruel and unusual, fundamentally opposing the principles enshrined in the Constitution. The Supreme Court, aware of human rights considerations, addressed the issue of bar fetters in a logical manner in *Prem Shankar Shukla v. Delhi Administration*. In this instance, despite the ruling in *Batra (J)*, the petitioner, an undertrial, was subjected to handcuffing. Justice Krishna Iyer asserted that handcuffs should not be employed routinely, but rather reserved for individuals who are "desperate," "rowdy," or involved in non-bailable offenses. Justice Krishna Iyer noted that handcuffing is, at first glance, inhumane and

³ **Bradshaw, Elizabeth A.**, "Do Prisoners' Lives Matter? Examining the Intersection of Punitive Policies, Racial Disparities, and COVID-19 as State Organized Race Crime," (2021) 10 *State Crime Journal* 16–44, available at <https://doi.org/10.13169/statecrime.10.1.0016> (last visited Apr. 23, 2025).

unreasonable, excessively harsh, and seemingly arbitrary. The lack of equitable procedures and impartial oversight, when employing punitive measures, aligns with strategies that are contrary to Article 21. It was observed that being "sadistic, capricious, despotic, and demoralising" violated Article 14, and that the minimal freedom of movement to which a detainee is entitled under Article 19 could not be restricted through the use of handcuffs in a cruel manner.

RIGHT TO MEET FRIENDS AND CONSULT LAWYERS

The scope of human rights is broadening. Prisoners' rights are acknowledged to safeguard individuals from both physical harm and psychological distress within the correctional system. The Supreme Court in *Sunil Batra (II)* acknowledged the right of prisoners to receive visits from friends and relatives. The court allowed their visits, contingent upon "search and discipline and other security criteria." Visits to prisoners by family and friends serve as a source of comfort in isolation, and only a dehumanized system would find satisfaction in denying inmates this essential support. In the case of *Francis Coraline Mullin*⁴, the Supreme Court reiterated the importance of allowing prisoners to meet with their friends and relatives. In *Prabha Dutt V. Union of India*⁵, the Supreme Court permitted prisoners under death sentence to grant interviews to the press.

Right to Bail

Bail refers to the process by which a judge or magistrate releases an individual who has been arrested and detained in relation to a legal issue, whether criminal or civil, upon obtaining a guarantee to ensure the individual's subsequent appearance in court for further proceedings. In *Bahu Singh V. State of U.P.*⁶, the Supreme Court acknowledged the right to bail as an aspect of "personal liberty" under Article 21. The Court asserted that personal liberty, which is compromised when bail is denied, is a fundamental value within our constitutional framework. Consequently, the authority to deny this right must be exercised judiciously, with careful consideration for both the individual and the community. The Court determined that an individual on bail is more likely to effectively prepare or present their case compared to one held in custody. This constituted a requirement of public justice. The analysis of the

⁴ *Francis Coraline Mullin v. U.T. of Delhi*, AIR 1981 SC 746.

⁵ AIR 1982 SC 6.

⁶ AIR 1978 SC 527.

aforementioned case indicates that the judiciary's approach is centered on human rights, appropriately acknowledging the prisoners' right to bail.

Right to Reasonable Wages in Prison

Prisoners engaged in work during incarceration should receive compensation at a reasonable wage rate. The wage rate must not be nominal or below the established minimum wage standards. In *Mohammad Giasuddin V. State of A.P*⁷, the Court instructed the State to consider this factor when finalizing the rules for prisoner wage payments and to apply the wage policy retroactively. The Court determined that the lack of proper remuneration for work performed by prisoners constitutes forced labor, thereby violating Article 23 of the Constitution. Consequently, the Court maintained a consistent stance in supporting the human rights of prisoners within correctional facilities.

Right to Speedy Trial

The right to a speedy trial is a fundamental right of a prisoner, as implied by Article 21 of the Constitution. It guarantees a procedure that is just, fair, and reasonable. The assertion that a speedy trial serves the public and societal interest does not diminish the right of the accused. It is essential for all parties involved that the determination of the accused's guilt or innocence occurs expeditiously under the given circumstances. The administration of justice was starkly illustrated in the *Hussainara Khatoon* case, where a writ petition submitted to the Supreme Court revealed that numerous individuals, including children, had been imprisoned for years while awaiting trial. The highest judiciary expressed astonishment that, despite its increasing activism, such distressing conditions persisted. The Supreme Court, as the guardian of human rights, issued a critical warning: It is imperative that the legal and judicial system undergoes revamping and restructuring to prevent the occurrence of injustices that tarnish the integrity of our emerging democracy. In *Hussainara Khatoon (III) v. State of Bihar*⁸, the Court mandated the release of undertrials, citing that their continued detention infringed upon their fundamental rights under Article. Additionally, in a notable ruling, the Supreme Court affirmed that a litigant may petition the High Court chief justice to have their case reassigned to another bench for a new hearing if a judgment is not rendered within six months following the hearing. The court

⁷ AIR 1977 SC 1926.

⁸ AIR 1979 SC 1377.

noted that a litigant may submit an application to the High Court for expedited resolution of a case if a judgment has not been issued within three months of being reserved.

JUDICIAL APPROACH TO PRISONERS' RIGHTS

During its early operations, the judiciary exhibited limited attention to the rights of prisoners. Therefore, in *A.K. In Gopalan V. State of Madras*⁹, the Supreme Court, in a majority decision, determined that when an individual is completely deprived of personal liberty through a legally established procedure, fundamental rights are not applicable. The Court declined to assert that the procedure established by law must adhere to "reasonableness" standards as outlined in Article 19 of the Constitution. Prisoner rights have increasingly gained significance over time. The prisoner possesses rights equivalent to those of a free individual and is not a mere property of the State. Justice V.R. Krishna Iyer stated that "Basic Constitutional rights cannot be halted at the prison gates and can be enforced within the prison campus." The Indian judiciary has expanded the rights of suspects and accused individuals through progressive and humanistic interpretation, aiming to safeguard the interests of the innocent and to prevent the abuse and misuse of police powers. A survey of judicial efforts indicates that courts are not merely passive observers; rather, the judiciary demonstrates a significant commitment to protecting and safeguarding the rights of prisoners in order to ensure justice, regardless of their status as law violators.

An examination of significant cases from the Apex Court indicates that the Indian Judiciary has consistently expressed robust support for prison rights. The Supreme Court has acknowledged the right of prisoners to seek enforcement of human rights in the cases of *Charles Sobhraj v. Superintendent, Central Jail, Tihar*¹⁰ and *Sunil Batra v. Delhi Administration*¹¹. The case of *State of Maharashtra v. Prahakar*¹² addressed the application of Article 21, affirming the rights of prisoners to access reading and writing materials while incarcerated. The Supreme Court, in *Prem Shankar v. Delhi Administration*¹³ and *Kadra Pahadiya v. State of Bihar*¹⁴, issued a directive prohibiting the use of leg-irons on under-trial prisoners.

⁹ AIR 1950 SC 27.

¹⁰ AIR 1978 SC 1541.

¹¹ AIR 1978 SC 1575.

¹² AIR 1966 SC 424.

¹³ AIR 1980 SC 1535.

¹⁴ AIR 1981 SC 939.

In *Common Cause v. Union of India*¹⁵, the Court directed the authorities of Tihar Jail to release undertrials on bail based on the nature of the offences after the completion of a specified period outlined in the judgment. In *Madhav Hywadanya Hoskot V. State of Maharashtra*¹⁶, the Apex Court determined that the Jail Manual must be updated to incorporate the mandates of Article 21 of the Constitution, as all obligations are inherently implied, given that Article 21 ensures procedural fairness. In '*Sunil Batra v. Delhi Administration*,' the Court determined that a life convict retains their status as a person, whose rights are not subject to the arbitrary decisions of prison administration, and is entitled to the observance of procedural safeguards. In *Citizens for Democracy v. State of Assam*¹⁷, the Court determined that the handcuffing of prisoners should occur only under exceptional circumstances, as it contravenes human dignity and violates Article 21. It is clear that the Supreme Court maintains that the fundamental rights of prisoners must not be violated. The procedure for restriction is outlined in Article 21, with its reasonableness assessed under Article 19(5). If the "authority" is exercised arbitrarily, it would be deemed a "anathema" according to Article 14.

PLIGHT OF WOMEN PRISONERS IN JAILS

Recent developments in public interest litigation in India have contributed to the safeguarding of rights for women prisoners.¹⁸ The courts have acted as a catalyst in effectively protecting women prisoners, considering their vulnerability. PIL procedures have empowered informed citizens and non-political organizations to engage the judiciary and utilize legal mechanisms to obtain specific relief for women prisoners. An estimated 10,800 women are incarcerated, yet there has been a lack of initiatives to address their specific needs. The role of women as central figures in family dynamics is often overlooked, resulting in broader repercussions for the family unit, particularly for children, when a woman is subjected to punishment. PIL highlights various issues impacting the interests and rights of women prisoners, including custodial rape and torture, ill-treatment of women suspects, neglect of health and hygiene, delays in trial, adolescence, and assaults in police lockups. In *Sheela Barse V. State of Maharashtra*¹⁹, the Supreme Court mandated the establishment of designated lock-ups for women in suitable areas,

¹⁵ 1996 (4) SCC 33.

¹⁶ AIR 1978 SC 1548.

¹⁷ AIR 1996 SC 2193.

¹⁸ Potgieter, Lizette, "Nothing Left to Lose: Women in Prison," in *Land of the Unconquerable: The Lives of Contemporary Afghan Women*, eds. Jennifer Heath and Ashraf Zahedi, 1st ed. (University of California Press, 2011) 140–153, available at <http://www.jstor.org/stable/10.1525/j.ctt1pn69r.12> (last visited Apr. 3, 2025).

¹⁹ (1983) 2 SCC .

supervised by female constables. It stipulated that the interrogation of women must occur in the presence of female police officers. Additionally, the nearest legal aid committee should be notified whenever a woman is taken into police custody, and a sessions judge is required to conduct periodic surprise visits to the lock-ups to engage with the prisoners. In *Upendra Baxi V. State of U.P.*²⁰ (Protective homes - Improvement of conditions - Immoral traffic in women), the Supreme Court mandated the provision of an adequate number of bathrooms and latrines, as well as the development of a scheme for vocational training and rehabilitation. Minor girls should not be placed in the company of hardened prostitutes who have been rescued from brothels, nor with women suffering from diseases. A panel of physicians will visit the residence to assess the health status of the women residing there.

In *Vikram Deo Singh V. State of Bihar*²¹, the Supreme Court directed that the government must ensure appropriate housing for destitute women and children, mandating that they be placed in care or protective homes that uphold human dignity, in accordance with the Right to Life under Article 21 of the Constitution of India. The Constitution emphasizes the protection of the right to live with human dignity under Article 21. To comply with constitutional standards, it is essential for the State, when placing women and children in facilities referred to as "Care Homes," to ensure that at least the minimum conditions necessary for human dignity are met.

CUSTODIAL VIOLENCE

*D.K. Basu V. State of West Bengal*²² In response to the frequent police custody deaths in Calcutta in July and August 1986, D.K. Basu, the chairman of the Legal Aid Services, West Bengal, wrote a PIL to the Chief Justice of India. After a decade, the Supreme Court gave extensive directions as to the procedure to be followed by the police upon the arrest of a person and the minimum facilities to be afforded to such person consistent with the imperative need for the enforcement and protection of the fundamental right to life and liberty. The court strongly disapproved of custodial deaths and the use of torture to extract confessions, saying, Police has a legal duty and a legitimate right to arrest a criminal and interrogate him about an offence, but the law does not allow third-degree methods or torture of the accused in custody to solve the crime. End cannot justify methods. No civilization allows it. The police must wear visible and clear identification and name tags with their designations, notify the arrestee's

²⁰ (1983) 2 SCC 308.

²¹ 1988 Supp. SCC 734.

²² 1996 (9) SCALE 298 (1997) 1 SCC 416.

relative within eight to ten hours of the arrest, and allow the arrestee to meet his lawyer during interrogation but not throughout. Contempt of court would result from noncompliance. The Supreme Court also reiterated that public law allows compensation for established infringement of the indefeasible rights guaranteed under Article 21. Public law's purpose is to civilize public power and assure citizens that their rights and interests will be protected and preserved.

Compensation has been the only way to preserve human rights in few cases of custodial assault. The Supreme Court clarified compensation jurisprudence in 1993 in *Nilabati Behera V. State of Orissa*²³, a PIL alleging police custody death of a 22-year-old boy. The court developed public law compensation for human rights violations. This approach holds the state fully responsible for human rights violations, regardless of sovereign immunity. The court rewarded the boy's mother Rs. 1,50,000 for custodial death. *Parmanand Khatra V. Union of India*²⁴ in a historic ruling, the Supreme Court decided that every injured person has a fundamental right to seek timely medical treatment and that a hospital cannot refuse to accept a medic-legal case. Five Bombay City Prison women were abused. The Supreme Court mandated that only policewomen guard or interrogate women suspects or prisoners in Maharashtra. Watchdogs International, an NGO, filed a PIL in *Murti Devi V. State of Delhi* alleging that Munshi Kedis, Tihar Jail convicts authorized by the prison administration to supervise prisoners, had severely assaulted Raj Kumar and killed him. The magistrates who investigated the case under section 176 Cr PC acknowledged the cause and recommended reviewing Munshi Kedis. The court requested that the Inspector General of Prisons explain how these Munshi Kedis were working and how they were prevented from abusing their position.

The court ordered the State to pay the widow of the deceased prisoners Rs.2,50,000 in a related petition. In *D.K. Basu v. State of West Bengal* and *Ashok K. Johri v. State of U.P.*²⁵, the Division Bench of Justice Kuldeep Singh and Justice A.S. Anand ruled that police lockup violence, including torture and death, violates the rule of law, which limits executive powers. Custodial violence is an issue of concern. The fact that it is perpetrated by citizens' guardians makes it worse. In police stations or jails, the victim is powerless and the perpetrator is in uniform. The petitioners highlighted major police power questions, including whether monetary compensation should be granted for demonstrated infringement of Articles 21 and

²³ AIR 1993 SC 1961.

²⁴ *Parmajand Katara v. Union of India*, AIR 1989 SC 2039.

²⁵ (1997) 1 SCC: AIR 1997 SCW 233.

22 Constitutional rights. The Latin maxim *Salus populi suprema lex* (the safety of the people is the supreme law) and *salus reipublicae suprema lex* (safety of the State is the supreme law) co-exist and are not only important and relevant but fire at the heart of the doctrine that welfare of an individual must yield to that of the community. Over 1000 custodial deaths occurred in 2000, prompting the Supreme Court to order the Centre and States to explain why they should not take preventative measures. The notifications were issued by a division bench of Chief Justice A.S.Anand and Justice R.S.Lahoti after amicus curiae A.M.Singhvi requested directions to reinforce the enforcement of earlier court orders. According to a 1999-2000 application, 916 people died in court custody and 177 in police custody. Bihar topped the list with 155 deaths in judicial detention and 7 deaths in police custody. Maharashtra had 126 and 30, Uttar Pradesh 141 and 18.

UNDERTRIALS-RELEASE ON PERSONAL BOND

In cases of undertrial prisoner rights violations, the Supreme Court has accepted letter petitions and newspaper reporting. Statistics are stunning, but the administration and judiciary's callousness to prison conditions and the detained, especially undertrials, is even more shocking.²⁶ According to all available sources, there are around 3.2 lakh people detained in 1,219 jails. 1.6 lakh are under trial and in the legal system. The majority of these folks are underprivileged, illiterate, and doubtful about the claims against them. They are uninformed of their statutory rights to life, personal liberty, and free legal service. Art. 21 promotes reasonable, fair, and just procedure for accused individuals, and these rights are essential. Thus, they remain for days, months, and years. The Supreme Court released Tihar prisoners who had been imprisoned for more than a year for kidnapping, stealing, deceit, and rioting on bail in 1996 for violating personal bonds. The Criminal Procedure Code requires an apprehended person to be produced to a magistrate within 24 hours, but police neglect to document the arrest. Thus, some have served 11 years in prison.

A very sorrowful picture of undertrials was depicted in *Khatri V. State of Bihar*²⁷, which is also known as the Bhagalpur blinding case. A number of suspected criminals were purportedly blinded while in prison in Bhagalpur. On October 11, 1980, a national daily published the

²⁶ **Khalek, Rania**, "Prison Labor," in *Philosophical Perspectives on Punishment*, 2nd ed., ed. Gertrude Ezorsky (State University of New York Press, 2015) 285–294, available at <https://doi.org/10.2307/jj.18253073.37> (last visited Apr. 13, 2025).

²⁷ AIR 1981 SC 928.

narrative of the incident. Sunday and Ravivar pursued additional inquiries regarding the narrative. Subsequently The Indian Express splashed the report on the front page. In a crude and barbaric manner, the police blinded these prisoners. The convicts' eyeballs were punctured with bicycle spokes, and acid was subsequently administered until the sockets remained. This was the method of operation. Mrs. Hingorani, the learned counsel for the blinded detainees, contended that the State should be held accountable for the blinding of the undertrials.

In the past several years, the apex court has settled a considerable number of public interest litigation (PIL) cases, which has enabled the court to secure the release of undertrials who have been detained for years without any fault of their own. Court revealed flaws in this case. Some defendants were not brought to the nearest magistrate within 24 hours of custody, as required by Article 22. The accused were sometimes not produced before the judicial magistrates after their initial production and remained in detention without remand orders. The Court argued that prohibiting detention without remand was beneficial because magistrates could supervise police investigations. Magistrates have to be careful when implementing this rule. The Court was particularly dissatisfied with the judicial magistrate's refusal to investigate the blinded detainees' eye injuries when they were first brought before him and later for custody. This suggested that either the magistrates mechanically signed the remand orders or the detainees were not presented.

The court further regretted that district and sessions judges never investigated the Bhagalpur Central Jail in 1980. The court highlighted that the State was bound to give free legal services to a destitute accused individual and could not claim financial and administrative difficulties. Despite its financial limits and expenditure priorities, the State was unable to avoid this debt. PIL cases have resulted in exorbitant compensation. Rudul Shah V. State of Bihar²⁸ found that Art. 32 compensation for illegal incarceration does not impact the prisoner's right to damages. After over 14 years, Rudul Shah was released by the sessions court on October 16, 1982, after being absolved on June 3, 1969. Rudul Shah asked the Supreme Court for compensation for his wrongful imprisonment.

The Supreme Court in the Veena Sethi Case²⁹ considered a letter from the Free Legal Aid Committee, Hazaribagh, to Justice Bhagwati, dated January 15, 1982. This letter alerted the Court to the unlawful detention of specific detainees in the Hazaribagh Central Jail for nearly

²⁸ AIR 1983 SC 1086.

²⁹ Veena Sethi v. State of Bihar, AIR 1983 SC 399.

two or three decades, without any justification. The court regarded the letter as a writ petition and ordered the release of a number of prisoners from the Hazaribagh Central Jail. The Court noted that the rule of law is not exclusively for those who possess the resources to advocate for their rights; it is also applicable to the impoverished, illiterate, and ignorant individuals who comprise the majority of the population in this nation. The Court underscored that it is the court's solemn responsibility to safeguard and defend the fundamental human rights of the most vulnerable members of society. This obligation is being attempted to be fulfilled by the court in the context of Public Interest Litigation.

SPEEDY TRIAL

Article 21 of the Indian Constitution guarantees prisoners a speedy trial and protection from cruel and unusual punishment. One must remember that swift trial is crucial to Article 21's right to life and liberty. A fundamental human right The Supreme Court stressed the rights of undertrial prisoners in Hussainara Khatoon Case ³⁰ and assessed them in light of the International Covenant. Undertrial proceedings for the petitioner were excessively delayed. The Court sided with the petitioner and ruled that Article 21 of the Constitution guarantees the right of an undertrial to a quick trial.

In Abdul Rehman Antulay V. R.S. Nayak, the Supreme Court's Constitutional Bench ruled that Article 21 of the constitution guarantees the right to a prompt trial to all criminal defendants.³¹

In Hussanara Khatoon (I) V. Home Secretary³², State of Bihar, an advocate filed a Habeas Corpus petition under Article 32 of the Constitution based on 8-9 February 1979 news reports in The Indian Express describing how some undertrial prisoners had already been imprisoned for longer than the maximum sentence. Justice Bhagwati ruled that a delay in a trial denies justice since a timely trial is essential to criminal justice. The bail system was harsh and discriminatory against the poor, thus the Court ordered the accused's history to be investigated and the lower courts not to require sureties. Newspaper articles ordered the release of all convicts on "personal recognizance bond".

³⁰ Hussainara Khatoon v. Union of India, AIR 1979 SC 1930.

³¹ **Sims, Edwin W.**, "Speedy Justice in Criminal Cases," (1921) 7 *American Bar Association Journal* 598–600, available at <http://www.jstor.org/stable/25710692> (last visited Apr. 3, 2025).

³² (1980) 1 SCC 81.