

Role of Judiciary in Protection of Prisoners Rights in India

Sri. Banada Rangaiah*

Introduction:

The most significant and autonomous branch of government is the judiciary, which is supposed to uphold the Constitution, defend individuals' rights, and act as a check on the capricious behaviour of the state's administrative machinery. By interpreting the Constitution, the judiciary's primary duty is to guarantee equality before the law. The judiciary is tasked with protecting people from other people and groups as well as from the government's arbitrary actions. The constitution also guarantees the court the power to hear and make decisions regarding all criminal and civil cases.

Prisoners and the Human Rights

The aim of protection of a person cannot be achieved by only providing for fundamental rights; rather, it requires ensuring that the rights are freely enjoyed. Thus, the right to constitutional remedies—that is, the power to petition the Supreme Court to protect basic rights is guaranteed by Article 32. The constitution assigns the judiciary the responsibility of protecting the human rights of its citizens. The Supreme Court and the High Courts have the power to act to protect these rights. The constitution's Articles 32 and 226 set up procedures for remedy. An aggrieved party may bring a direct case before the state's Supreme Court or High Court to defend their fundamental rights, have their grievances resolved, and enjoy those rights. In certain situations, the court can issue the required orders, directions, and writs, such as those concerning prohibition, quo warranto, habeas corpus, mandamus, and certiorari. The highest defender of the people's human rights is the court. People consequently enjoy both recognised and unenumerated rights. In *Maneka Gandhi v. Union of India*, the Supreme Court expanded the definition of the right to life and inferred rights that were not included, like the "right to live with human dignity." In order to give the existence of the fundamental right purpose and activity, the Supreme Court developed the "emanation" hypothesis. In following rulings, such as

Francis Coralie Mullin v. The Administrator, Union Territory of Delhi, and People's Union for Civil Liberties and others v. State of Maharashtra and others, the court came to the conclusion that the right to life includes the right to live with human dignity. Consequently, Judicial interpretations have acknowledged certain rights, even if they aren't stated explicitly in Part III of the Constitution. According to many judicial decisions in cases such as *Francis Coralie Mullin v. The Administrator, Union Territory of Delhi, and People's Union for Civil Liberties and others v. State of Maharashtra and others*, the right to life thereafter includes the right to live with human dignity. As a result, some rights have been acknowledged by legal interpretations, despite the fact that they are not specifically specified in Part III.

The courts has loosened the locus stand in rule, which states that only the individual who has been wronged may petition the court for redress of his complaints. Public-spirited individuals can now file a writ petition for the enforcement of another person's or a class's rights through public interest litigation if they are unable to use the court's jurisdiction because of poverty or any other social or economic impairment. In *S.P. Gupta v. Union of India and Others*, the Supreme Court decided that anybody in the public may petition the court to uphold the constitutional or legal rights of those who are unable to access the legal system because of poverty or other disabilities. Even submitting a letter to the court to report rights abuses is an option. Public interest litigation enables the marginalised and disadvantaged groups in society to find meaning in fundamental human rights. Any public-spirited person may bring a public interest litigation to defend the rights of aggrieved parties who are unable to do so on their own due to their precarious circumstances, so ensuring social, economic, and political justice for the vulnerable segment. Similar results have been Since children's development depends on their safety and protection, this treaty unifies their human rights. The judiciary consistently plays an admirable role in defending children's rights. The judiciary has stepped in to protect children's rights in a number of cases. The Supreme Court ruled in *Labourers Working on Salal Project v. State of Jammu and Kashmir* that children under the age of 14 are not permitted to work in construction. Regarding child labour, the court has made a number of orders. The Supreme Court asked governments to establish an advisory group in *Vishal Jeet v. Union of India*¹⁸ in order to make recommendations for putting an end to child prostitution and to create initiatives that would ensure victims, girls, and children receive the necessary care and protection. The Supreme Court declared in *Gaurav Jain v. Union of India* that juvenile facilities should be used to cure this and other neglected children, expressing concern regarding the rehabilitation of young persons involved in prostitution.

Our society views women as weak, which has caused them to lag behind in all areas of life. Women continue to face oppression and are frequently denied fundamental human rights. Whether it occurs at work or inside the confines of the home, they are victims of violence in society. They face prejudice in spite of the right to equality guaranteed by Article 14 of the Constitution. When it comes to the Indian job market, gender is thought to be the most significant element. Inequality against female employees in India is pervasive when it comes to pay. Generally speaking, women are paid less than men. That being said, Article 39 of the Constitution guarantees equal pay for equal work to both men and women. Women are still not treated equally to males despite assurances of equal rights.

In decisions such as *State Bank of India v. Associate Banks Officers Association*, the Supreme Court has shown that it is exceptionally capable of protecting the rights of female employees. It decided that women workers should not be subjected to sex-based discrimination because they are on an equal footing with males. According to the Supreme Court's ruling in *State of Madhya Pradesh v. Pramod Bhartiya*, the State is required by Article 39 to focus its policies on ensuring that men and women receive equal compensation for equal labour. The Supreme Court ruled in *State of Maharashtra v. Madhukar Narayan Mandlikar* that even a lady of easy virtue is entitled to privacy and that no one can avoid her privacy, invoking Article 21 the protection of life and personal liberty for the prostitutes' dignified lives. The Supreme Court ruled in *Bodhi Satwa Gautam v. Subra Chakarborty*²⁹ that rape is a violation of fundamental human rights. In the case of *Vishaka v. State of Rajasthan*, the Supreme Court established criteria for safeguarding women from sexual harassment in the workplace. These principles were reaffirmed in *Medha Kotwal Lele v. Union of India*.³¹ Employers were required to assume responsibility in situations of sexual harassment at work, and guidelines for guaranteeing a safe workplace for women were provided.

The rights of its residents, including inmates, are safeguarded by the judicial system. The rights of the convicts were safeguarded and maintained by the Supreme Court through its interpretation of Article 21 of the Constitution. The Supreme Court ruled in *Prem Shankar v. Delhi Administration* that the practice of handcuffing and fettering inmates is in violation of the right to human dignity. A historic ruling the court in *D.K. Basu v. State of West Bengal* maintained the prisoners' rights, set some guidelines for arrest and detention, and pointed out that the right to respect for human dignity is a component of the right to life. In a similar vein, the court in *Sheela Barse v. State of Maharashtra* addressed the issue of police station mistreatment of women and enacted certain regulations to protect women's rights in prisons and detention centres. Furthermore, in *Citizens for Democracy v. State of Assam and Others*, the Supreme Court declared that tying people up with ropes and handcuffing them are violations of human rights that are safeguarded by both national and international law.

The court ruled that prisoners who have been found guilty or are awaiting trial cannot be forced to wear handcuffs or other fetters while they are in custody or even during transportation. Additionally, police and jail officials cannot order the handcuffing of any inmate without the magistrate's consent. The apprehended person cannot be placed in handcuffs during the execution of the arrest warrant without the magistrate's permission.

Conclusion:

Therefore, by extending the scope of existing rights and recognizing new ones when needed, the judiciary continues to play a vital role in protecting people's human rights. The judiciary has broadened the definition of the right to life to encompass rights that are essential to exercising that right with dignity. Numerous cases have seen courts uphold people's rights, including the right to health care, the right to live in a pollution-free environment, the right to adequate wages for workers, the right to safety for women at work, the right to compensation for victims of rape, the right of child laborers, and the right to be free from violence while in custody.

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