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## Case Comment: Liberty under Lockup - Exploring the Impact of Sunil Batra v Delhi Administration about Prisoner Rights

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### INTRODUCTION

The term prison always connects our subconscious to images of criminals, offenses, and confinement. However, beyond these associations lies a more significant aspect of Article 21<sup>1</sup>, which grants a crucial right to life and personal liberty. Under the Indian constitution, every individual, including prisoners, is entitled to equal treatment before the law. The Supreme Court has consistently recognized and emphasized prisoners' fundamental rights, ensuring their respect and protection. The question of whether prisoners should be granted these privileges remains unanswered.

The subject of prisoners' rights has sparked significant attention, with some advocating for equal treatment while others are against it. Justice Chandrachud rightly stated that convicts should not be deprived of fundamental rights they inherently possess, solely due to their conviction.<sup>2</sup>

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<sup>1</sup> Constitution of India 1950, art 21

<sup>2</sup> *D. Bhuvan Mohan Patnaik & Ors. v State of Andhra Pradesh & Ors.* (1975) 3 SCC 185

The groundbreaking case of *Sunil Batra v Delhi Administration*<sup>3</sup> not only played a vital role in upholding the fundamental rights of prisoners but also enhancing them. Here the petitioner was a convict going through a death sentence in Tihar Jail the case brought to light a multitude of issues, such as conflicts between various fundamental rights and the Prison Act of 1984<sup>4</sup>. Moreover, it sheds light on the atrocious treatment that is faced daily by millions of inmates, with incidents of torture and sexual abuse. It served as a crucial step in highlighting the inhumane conduct of prison authorities towards the inmates.

## FACTS

In this case, the petitioner whose name was Sunil Batra was serving his death Sentence and was subjected to Solitary confinement in the Tihar Jail approached the Supreme Court through Article 32<sup>5</sup> and notified them about the abuse and mistreatment faced by fellow prisoner Prem Chand. He further stated in his letter that this torture was done in order to draw out money from Prem Chand's family who used to visit him. This letter was further converted into a writ of habeas corpus.<sup>6</sup> The court later appointed two Amicus curiae (A party that is not involved in litigation but gives expert testimony when the court asks. They can support public interest not being addressed in the trial).<sup>7</sup> These Amicus Curiae were told to visit the prisoner and check out all the surroundings of the Prison in order to gather witnesses who could come ahead and tell them what the reality is about the entire chain of events. After visiting the jail, they got to know that Prem Chand had sustained numerous wounds due to anal rupture during his incarceration. In addition to this, it was also reported that the Prison staff was trying to cover this up by Coercing the prisoner and doctor to fabricate the story about the prisoner's injury, by stating that he suffered this injury through Piles and self-harm.

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<sup>3</sup> *Sunil Batra v Delhi Administration* (1980) SCR 2 557

<sup>4</sup> The Prisons Act 1984

<sup>5</sup> Constitution of India 1950, art 32

<sup>6</sup> Pallabi Paul, 'A Case Analysis of *Sunil Batra v. Delhi Administration*' (*My Lawman*, 06 August 2022)

<<https://www.mylawman.co.in/2022/08/case-brief-case-analysis-of-sunil-batra.html>> accessed 23 February 2024

<sup>7</sup> *Black's Law Dictionary* (11th edn, 2012)

## ISSUES

1. Does the Supreme Court in the case of Sunil Batra vs Delhi Administration have the jurisdiction to hear the petition of a convict in relation to the letter that includes the ill treatment of the prisoner's petition?
2. Whether the fundamental rights of Prem Chand under Articles 14, 19 and 21 of the Constitution were infringed by the Prison authorities.
3. Whether Sections 30(2)<sup>8</sup> and Section 56<sup>9</sup> are violative of Articles 14 and 21 of the Constitution of India.
4. Whether prisoners were entitled to the same rights and standards as regular human beings.

## ARGUMENTS OF PETITIONER

- The Lawyer for the petitioner claimed that Section 30(2)<sup>10</sup> does not allow the permission of the prison administration to put a prisoner under death sentence to solitary confinement.
- The advocate for the petitioner using the moral responsibility card argued that Prem Chand was also entitled to fundamental rights even though he was tagged as a Prisoner.
- Specifically, the Counsel for Petitioner also questioned the validity of Section 56<sup>11</sup> of the Prisons Act as Solitary confinement violated the right to life and liberty of Prem Chand, as he was not able to exercise basic things like conversing with the other inmates.<sup>12</sup>

## ARGUMENTS OF RESPONDENT

- The respondent argued that infringement of certain fundamental rights due to Solitary confinement in relation to incarcerated individuals was done in order to protect the

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<sup>8</sup> The Prisons act 1984, s 30(2)

<sup>9</sup> The Prisons act 1984, s 56

<sup>10</sup> The Prisons act 1984, s 30(2)

<sup>11</sup> The Prisons act 1984, s 56

<sup>12</sup> Paul (6)

prison decorum, safety, and security of the society at large and asserting Section 30(2)<sup>13</sup> that allows a prisoner to be confined in a cell apart from the other prisoners is essential and doesn't infringe Article 21<sup>14</sup>.

- The respondent cited Section 46<sup>15</sup> stating that it allows the Superintendent to take strict actions against prisoners and give them appropriate sanctions whenever they deem to.<sup>16</sup>
- He further supported stating that there is a strong need to divide between Safe and Unsafe Prisoners that pose a threat to our society and it is pivotal thus, that certain sanctions are imposed on them and article 14 is not infringed.

## OBSERVATION AND DECISION OF SUPREME COURT

The court acknowledged many aspects with respect to the rights of prisoners in its renowned judgment in Sunil Batra V Delhi Administration, according to the Court, the hands-off approach was dropped, and this approach states that once an individual is incarcerated the courts would have to stop interfering with the affairs of the jail authorities.<sup>17</sup> It further stated that Under Articles 32 and 226 of the Constitution, the court had the power to hear the prisoners as their fundamental rights were infringed. The Court is not a distant abstraction omnipotent in the books but an activist institution that is the cynosure of public hope.<sup>18</sup> Additionally. The court emphasized that it can issue writs to meet the new challenges. It underscored the humane treatment of prisoners, rejecting the notion that incarceration strips individuals of their fundamental rights. Authorities were warned against violence and the violation of the dignity of the inmates, with a commitment to hold them accountable for such acts. The court stressed when a prisoner is traumatized, the Constitution suffers a shock.<sup>19</sup> Moreover, the court pointed

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<sup>13</sup> The Prisons act 1984, s 30(2)

<sup>14</sup> Constitution of India 1950, art 21

<sup>15</sup> The Prisons act 1984, s 46

<sup>16</sup> 'Case Analysis: Sunil Batra v Delhi Administration (1978)' (*Legal 60 Law News Aggregator*, 14 June 2021)

<<https://legal60.com/case-analysis-sunil-batra-v-delhi-administration-1978/>> accessed 18 January 2024

<sup>17</sup> Vito GF and Kaci JH, 'Hands on or Hands off? The Use of Judicial Intervention to Establish Prisoners' Rights - an Examination of Sostre and Other Prisoner Suits (from Coping with Imprisonment, P 79-100, 1982, Nicolette Parisi, Ed. - NCJ-84908)' (*Office of Justice Programs*) <<https://www.ojp.gov/ncjrs/virtual-library/abstracts/hands-or-hands-use-judicial-intervention-establish-prisoners-rights>> accessed 13 January 2024

<sup>18</sup> *Sunil Batra v Delhi Administration* (1980) SCR 2 557

<sup>19</sup> *Ibid*

out that Section 30(2) does not violate Articles 14, 19 and 21 as it's vital in certain circumstances like harming others, self-harm and security reasons all of which may be highly likely to occur but it reminded that this shouldn't be an opportunity to harass and torture them. Further, Section 56 was found to be a violation of human dignity and needed to be controlled and here the court emphasised that only with the permission of the court can the superintendent put prisoners into jail to maintain decorum.<sup>20</sup> Another point worth adding is The Court cited strong precedents such as *Maneka Gandhi v Union of India*<sup>21</sup> to emphasize that a prisoner's constitutional rights remain protected, regardless of confinement. The prison might hold their body, but it cannot take away their essential freedoms and whenever it is breached the court will act as a companion and give a voice to them through writs and the prison administration will be held liable for any trauma, abuse etc is faced by the inmates. Justice Krishna Iyer and Justice R.S Pathak opined, "Law in the books and in the courts is of no help unless it reaches the prisoner in understandable language and available form."<sup>22</sup> The court acknowledged the necessity for the State to develop a comprehensible, simplified 'Prison Handbook'. This Prison Handbook would act as a direction that would be accessible to prisoners, to educate them about their rights.<sup>23</sup> Both Justice R.S Pathak and Justice Krishna Iyer along with other judges agreed on the need for prison reforms, and the state providing free legal aid programs for a speedy trial, encouraging prisoners to report grievances which would in turn reduce stress and emphasizing family visits as an essential right under Article 19A precise implementation of these measures would bring about some light and relief to the dark and challenging experience of imprisonment.

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<sup>20</sup> Kaushal Agarwal, 'Sunil Batra Vs Delhi Administration' (*Law Insider India*, 27 June 2021) <<https://www.lawinsider.in/judgment/sunil-batra-vs-delhi-administration>> accessed 13 January 2024

<sup>21</sup> *Maneka Gandhi v Union of India* (1978) SCR 2 621

<sup>22</sup> *Sunil Batra v Delhi Administration* (1980) SCR 2 557

<sup>23</sup> Rutvi Soni, 'Sunil Batra vs Delhi Administration' (*Law Times Journal*, 28 July 2021) <<https://lawtimesjournal.in/sunil-batra-vs-delhi-administration/>> accessed 24 February 2024

## ANALYSIS

The case of *Sunil Batra v. Delhi Administration*<sup>24</sup> stands as a milestone in shedding light on the lack of protection of prisoners' fundamental rights. As Nelson Mandela wisely said, 'No one truly knows a nation until one has been inside its jails. A nation should not be judged by how it treats its highest citizens, but its lowest ones.' In this landmark case, the Supreme Court, delved deep into the intricacies of the matter, considering, and analysing various perspectives to give out a robust decision.

Specifically, in the context of *Sunil Batra v Delhi Administration*, the case of *Prem Chand* brought up the issue of solitary confinement under Section 30(2)<sup>25</sup>. In the renowned judgement, the esteemed bench affirmed the principle that even individuals under sentence of death are entitled to dignity and protection of their fundamental rights. This decision serves as a powerful reminder of the judiciary's commitment to justice and fairness even for the ones incarcerated.

However, the fight for prisoner rights surpasses solitary confinement. The case of *Francis Coralie Mullin v The Administrator, Union Territory of Delhi*<sup>26</sup> shed light on the critical right to confidential meetings with lawyers, as promised by Article 22(1)<sup>27</sup>. Understanding and recognizing the paramount role of legal representation in navigating the intricate workings of the justice system, the court's verdict regarding the fact that any limitations on such access are unlawful further strengthened the welfare of the prisoners. Similarly, the case of *Charles Sobhraj v Superintendent, Central Jail*<sup>28</sup> emphasised the fact that prisoners should be handcuffed in court proceedings only if there is a legitimate risk to safety. These landmark cases, in addition to *Sunil Batra*, showcase the diverse array of fundamental rights that demand protection for prisoners.

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<sup>24</sup> *Sunil Batra v Delhi Administration* (1978) 4 SCC 494

<sup>25</sup> The Prisons Act 1984, s 30 (2)

<sup>26</sup> *Francis Coralie Mullin v The Administrator, Union territory of Delhi* (1981) SCR 2 516

<sup>27</sup> Constitution of India 1950, art 22(1)

<sup>28</sup> *Charles Sobhraj v Superintendent, Central Jail* (1978) 4 SCC 104

## CONCLUSION

In conclusion, the *Sunil Batra v. Delhi Administration*<sup>29</sup> case stands as a landmark in recognizing prisoners' fundamental rights, challenging the hands-off approach, and strengthening the court's role in protecting those rights. The judgment not only addressed issues of solitary confinement but also reflected a broader commitment to prison reforms, legal aid, and family visitation rights. The case, along with others like *Francis Coralie Mullin v The Administrator, Union of territory of Delhi*<sup>30</sup> and *Charles Sobhraj V Superintendent, Central Jail*<sup>31</sup> signifies a crucial shift in the judicial perspective towards ensuring the dignity and essential freedoms of individuals within the prison system. The road ahead involves a detailed review of existing laws that as *The Prison Act 1984*<sup>32</sup> in relation to conditions, healthcare, and rehabilitation programs for inmates in turn to foster a legally safer environment. To top it all off, Public awareness and more legal provisions that protect the rights of inmates will play a crucial role in shaping the future landscape of prisoner rights.

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<sup>29</sup> *Sunil Batra v Delhi Administration* (1980) SCR 2 557

<sup>30</sup> *Francis Coralie Mullin v The Administrator, Union territory of Delhi* (1981) SCR 2 516

<sup>31</sup> *Charles Sobhraj V Superintendent, Central Jail* (1978) 4 SCC 104

<sup>32</sup> *The Prisons act 1984*