



Commonwealth Human Rights Initiative



December 11, 2018

JAIL MAIL: Human Rights Day 2018

Prison Reforms: “Has anything changed on the ground?”

“Has anything changed on the ground?” asked the Supreme Court of India which, in 2013, took upon itself a comprehensive nationwide review of prisoners’ situation in the writ petition aptly named “Re-inhuman conditions in 1382 jails”. On this 70th Human Rights Day, celebrated to commemorate the Universal Declaration of Human Rights (UDHR), CHRI reviews the critical issues which were deliberated on during the last six years of this case. It also attempts to summarise the significant directions issued by the Apex Court, and is [attached](#) with this newsletter.

Its order dated 05 February 2016 noted that, “Prison reforms have been the subject matter of discussion and decisions rendered by the Court from time to time over the last 35 years. Unfortunately, even though Article 21 of the Constitution requires a life of dignity for all persons, little appears to have changed on the ground as far as prisoners are concerned. Thus, issues relating to prisons in the country and their reform require reconsideration.” The court emphasised that, “It is time for the State to go beyond projections through circulars and advisories and actually come to grips with reality as it exists in a very large number of prisons.” Since 2013, a slew of orders were passed by the Supreme Court; some important ones can be found [here](#).

The latest development has been the constitution of a high-level Committee on Prison Reforms by the Supreme Court under the Chairmanship of retired Justice Amitava Roy, former Judge, Supreme Court of India and two members, Inspector General of the Bureau of Police Research & Development and Director General, Delhi Prisons. CHRI is hopeful that the Committee will further the efforts of the Supreme Court to bring about systemic changes and ensure better life for persons behind bars.

We have actively assisted the *amicus curiae* in the matter since November 2015 and will continue to monitor the ground effectiveness, intervene with facts at court, and build the field to support others, more locally situated in different Indian states, to join in.

What you can do:

- If you are a prison officer, judicial officer, officer of district administration or representative of legal services institution, you may:
 - ✓ Write to the head of the prison department and the District Magistrate if Board of Visitors is not constituted in every prison of your district.
 - ✓ Engage with civil society organisations, individuals and other institutions for the welfare of prisons and prisoners.
 - ✓ Participate/assist/monitor the functioning of Undertrial Review Committees of your district and assist as required.
 - ✓ Keep a watch on the overcrowding of prison of your district and as soon as it exceeds 50%, write to the head of the prison department and the District & Sessions Judge for correctives to be applied.
- If you are a lawyer or a civil society member, you may also
 - ✓ Intervene in the petitions filed by the High Courts of your state based on the direction of the Supreme Court. The information about the petitions can be found [here](#).

Write to us at chriprisonsprog@gmail.com with your comments and suggestions. Please send us an email if you wished to subscribe to these updates.

Best Regards,

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About *Jail Mail*

Jail Mail is a regular series of Prison Reform Updates from CHRI for readers interested in the rights of prisoners and the reform of prisons as a matter of public concern. The engagement of civil society in the management and monitoring of prisons and the rights of prisoners is vital to the transparency of this traditionally closed institution and to ensure the practical realisation of the rights of those behind bars. *Jail Mail* invites discussion between civil society members and those entrusted to oversee and manage prisons.

Evidence-based research and watch reports of CHRI's Prison Reforms Programme, interviews with critical stakeholders, topical issues and developments concerning the liberty of prisoners, and health of prisons in India and around the world will form the sources of *Jail Mail*. Its periodicity will depend on the urgency of issues and the interest they generate.

About CHRI and the Prison Reforms Programme

The Commonwealth Human Rights Initiative (CHRI) is an independent, non-governmental, non-profit organisation headquartered in New Delhi, with offices in London, United Kingdom and Accra, Ghana. CHRI works for the practical realisation of human rights across Commonwealth countries. It has specialised in the areas of Access to Justice (Police and Prison Reforms) and Access to Information for over two decades. It has special consultative status with the UN Economic and Social Council and is recognised for its expertise by governments, oversight bodies and civil society. It is registered as a society in India.

The Prison Reforms Programme of CHRI is more than 15 years old. The programme focuses on improving prison monitoring through the strengthening of undertrial review mechanisms and prison visiting system nationally, and ensuring early safeguards against unnecessary pre-trial detentions, specifically in Rajasthan and West Bengal. The programme also advocates for timely repatriation of foreign national prisoners and immediate release of asylum seekers. Evidence-based research, advocacy, capacity-building of actors of the criminal justice system including prison officials, welfare and probation officers, criminal defense lawyers, magistrates, legal aid functionaries and civil society actors are the regular activities of the programme.

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