Protecting Prisoners

Why in news?

Recently Supreme Court in its order directed for interim release of eligible prisoners due to the uncontrolled second surge in COVID-19 pandemic.

What is the ground reality?

- There have been reports that prisoners are tested positive and getting hospitalised.
- But it is unclear that how frequent the regular testing is done and medical treatment is available to inmates across the country.
- Further, even political prisoners, who do not have any direct link to any act of violence, are being repeatedly denied bail, solely because stringent laws have been invoked against them.

What was the court's direction w.r.t. prisoners?

- Last year, the Court had passed an order which came early even before the nation-wide lockdown.
- It ordered all States to take preventive steps as well as constitute high-powered committees to determine the class of prisoners who could be released on bail or parole for a specified period.
- Now it said that besides identifying more prisoners for release, the same set of prisoners be given parole this year too.

What are the other details of the order?

- In its order, the Supreme Court emphasised adherence to the norms it had laid down in **Arnesh Kumar vs State of Bihar (2014)** case.
- In that case, the court said that the police were asked not to effect unnecessary arrests, especially in cases that involve jail terms less than seven years.
- It h as also asked authorities in all districts in the country to give effect to Section 436A of the Cr.P.C.
- This section says that under trials who have completed half of the maximum prison term prescribed for the offence may be released on personal bond.

What does this order mean?

- The court continues its trend of seeking to protect prisoners as well as those guarding them from getting infected.
- It aims to decongest jails and to protect the right to life and health of the prisoners.
- It addresses the issue of reducing occupancy in the prison not merely for the reason of overcrowding, but also in view of the vulnerability of prisoners and prison staff to infection and disease.
- Some of the initiatives taken to prevent the virus spread are:
    - Stopping the practice of transporting remand prisoners to court for extension of custody;
    - Frequent hearings to ask authorities to prepare readiness and response plans;
- But there must be effective follow-up action to audit these measures so that they are not implemented selectively or arbitrarily.

Source: The Hindu

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