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## **Prisoner's Legal Literacy Mission**

### **BACKGROUND**

Constitution of India established a democratic welfare State allowing equal opportunity to one & all, without discrimination of any kind, for personal growth and for contributing to the cause of nation. Article 39 A of the Constitution of India provides that State shall secure that the operation of the legal system promotes justice on a basis of equal opportunity, and shall in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disability. Articles 14 and 21 also make it obligatory for the State to ensure equality before law and a legal system which promotes justice on the basis of equal opportunity to all.

In 1987 Legal Services Authorities Act (the Act) was enacted to give a statutory basis to legal aid programmes throughout the country on a uniform pattern. The Act was finally enforced on 9<sup>th</sup> November, 1995. Legal aid programmes strive to ensure that constitutional

pledge is fulfilled in its letter and spirit and equal justice is made available to the poor, downtrodden and weaker sections of the society. National Legal Services Authority was constituted on 5<sup>th</sup> December, 1995 and the Haryana State Legal Services Authority came into existence on 3-4-1996. The Haryana Legal Services Authority holds periodic Lok Adalats for quick disposal of cases and organizes legal aid for the needy. To mark the journey from 'ignorance' to 'legal empowerment', National Legal Literacy Mission was launched on 6<sup>th</sup> March, 2005. As the Chief Justice Lahoti (as he then was) observed in his speech on the occasion, *“National Legal Literacy Mission is a project in which the three wings of governance namely, the Legislature, the Judiciary and the Executive have joined hands to reach out to the most marginalized and vulnerable sections of our society and tell them what their rights are... The doors of the court are open to all but that by itself is not justice so long as the weakest of the weak is not empowered enough to have access to justice.”* The Prime Minister observed aptly in his speech, *“Our Constitutional commitment to the Rule of Law becomes an empty dream when it is beyond the grasp of the common man,”* and *“All the fundamental*

*rights enshrined in part III of our Constitution become illusory rights for those who do not understand and are not aware of them.”*

Legal aid is not confined to representation in court cases, but extends to providing legal literacy and legal awareness, in order to effectuate meaningful legal aid and realize the aim of “Access to Justice for all”. The effort is to publicize legal aid schemes and create awareness of legal rights so that the target groups, for whom Legal Services Authorities Act has provided for free legal aid, may come to know about them and approach the concerned legal services functionaries.

One of the target groups of the Legal Services Authorities is ‘prisoners’ as provided for by S. 12 of the Act. Therein, a key objective of the Authorities is to set up legal aid cells and conduct legal literacy programmes in jails so that the prisoners languishing therein are provided prompt and efficient legal aid and made aware of their rights including their valuable Right to Life and Liberty guaranteed under Article 21 of the Constitution of India, as well as the resources available to them to protect their rights.

- **Plight of Prisoners**

In Prisons throughout the country, there is currently a dire need of institutionalizing systems for legal aid and awareness to ensure that prisoners do not suffer unseen and unnoticed. Prisons are congested with high remand populations. Well recognized challenges before the system pertaining to jails and prisoners include: huge overcrowding in jails, delay in trial, torture and ill-treatment, neglect of health and hygienic, insubstantial food and inadequate clothing, prison vices, deficiency in communication, streamlining of jail visits and management of open air prisons<sup>1</sup>, lack of proper classification of prisoners into habituals, casuals, juveniles, political prisoners etc., training and sensitization of staff, warders and guards, establishing counseling and rehabilitation programmes for drug addicts, repeat offenders etc., and the list goes on.

The vast majority of the prisoners in jails is poor and has no resources to protect their rights. They have no access to legal aid and equal legal representation and access to the resources and protection of the legal

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<sup>1</sup> (1997) 2 SCC 642: Rama Murthy V State of Karnataka

system is more or less unavailable for them in both prisons as well as police stations. A large proportion of suspects and prisoners are detained for lengthy periods of time in over-crowded prisons. Prolonged incarceration of suspects and prisoners without providing access to legal aid or to the courts violates basic principles of international law<sup>2</sup> and human rights. Undertrial prisoners spend periods of prolonged confinement in jails, pending their trials. Most of the undertrial prisoners are involved in petty offences and may get benefit of the Probation of Offenders Act or a light sentence but on account of their poverty, backwardness and other limitations, prisoners are often not in a position to furnish bail bonds and as such, they continue to suffer incarceration. Many of them get exposed to criminal tendencies during such confinements only and come out fully trained criminals. They are there only because of the fact that they belong to a lower strata of the society where nobody is willing or is in a position to stand surety for them for their release on bail. Unfortunately, there is poor recognition of the fact that legal aid to suspects and prisoners has the

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<sup>2</sup> There are several international conventions like "Standard Minimum Rules for the Treatment of Prisoners" adopted by the First UN Congress on the Prevention of Crime and Treatment of Offenders in Geneva in 1955 and approved by the Economic and Social Council by its Resolution 663 C (XXIV) of 31<sup>st</sup> July 1957 and 2076 (LXII) of 13<sup>th</sup> May, 1977.

potential to reduce the length of time suspects are held in police stations, congestion in the courts, and prison populations, thereby improving conditions of confinement and reducing the costs of administration and incarceration.

Ignorance of the law and of the rights afforded by the law is one of the biggest hurdles that impedes the underprivileged such as the prisoners from asserting their rights and accessing the law and its machinery. When they do not know or understand the law and their rights how would they follow the law or seek access to justice system to assert their rights. What then are the rights of prisoners and how can awareness of their legal rights and remedies help them?

- **Right of Prisoners and the Importance of Legal Literacy**

The Apex Court has time and again subscribed to the view that convicts, by mere reason of their conviction are not deprived of the fundamental rights which they otherwise possess. By reason of imprisonment, certain rights such as freedom to move freely get curtailed automatically, but even convicts are entitled to the precious rights guaranteed by Articles 14 and 21 of the

Constitution of equality before law and the right to life or personal liberty. The SC made the following pertinent observations regarding the rights of prisoners in jails in the case of **Sunil Batra (II) vs, Delhi Admn.**,<sup>3</sup> at page **509**:

*“We have made it clear that no prisoner can be personally subjected to deprivations not necessitated by the fact of incarceration and the sentence of court. All other freedoms belong to him—to read and write, to exercise and recreation to meditation and chant, to creative comforts like protection from extreme cold and heat, to freedom from indignities like compulsory nudity, forced sodomy and other unbearable vulgarity, to movement within the prison campus subject to requirements of discipline and security, to the minimal joys of self-expression, to acquire skills and techniques and all other fundamental rights tailored to the limitations of imprisonment.”* (emphasis supplied)

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<sup>3</sup> (1980) 3SCC 488

And that, *“Perhaps, the most important right of a prisoner is to the integrity of his physical person and mental personality.”*

Further commenting on the inflictions meted out to the prisoners, the Apex Court continued its observation in the said case,

*“Pushing the prisoner into a solitary cell, denial of a necessary amenity, and, more dreadful sometimes, transfer to a distant prison where visits or society of friends or relations may be snapped allotment of degrading labour, assigning him to a desperate or tough gang and the like, may be punitive in effect. Every such affliction or abridgment is an infraction of liberty or life in its wider sense and cannot be sustained unless Article 21 is satisfied. There must be a corrective legal procedure, fair and reasonable and effective. Such infraction will be arbitrary, under Article 14 if it is dependent on unguided discretion, unreasonable, under Article 19 if it is*

*irremediable and unappealable, and unfair, under Article 21 if it violates natural justice.”..... “Visits to prisoners by family and friends are a solace in insulation; and only a dehumanized system can derive vicarious delight in depriving prison inmates of this humane amenity. Subject, of course, to search and discipline and other security criteria, the right to society of fellow-men, parents and other family members cannot be denied in the light of Article 19 and its sweep. Moreover, the whole habilitative purpose of sentencing is to soften, not to harden, and this will be promoted by more such meetings. A sullen, forlorn prisoner is a dangerous criminal in the making and the prison is the factory!”. And finally that “These rights and safeguards need a machinery. The need for internal invigilation and independent oversight cannot be over-emphasised. Prisoners’ rights and prison wrongs are a challenge to remedial creativity.”*

Apart from the Constitution, even statute (like Prisons Act, Ss.6, 7, 19, 27, & 29 etc.) itself provides safeguards to the prisoners' rights and liberties. But the biggest hurdle apart from poverty, infrastructural inadequacy and lack of means remains illiteracy and ignorance of law and rights. Access to law postulates awareness of it. There is widespread ignorance about the rights of prisoners. Law in the books and court is no help unless it reaches the prisoners in a form that they can understand it in.

The Supreme Court observed in the case of ***Sunil Batra (II) (supra)***,

*“Prisoners are peculiarly and doubly handicapped. For one thing, most prisoners belong to the weaker segment, in poverty, literacy, social status and the like. Secondly, the prison house is a walled-off world which is incommunicado for the human world, with the result that the bonded inmates are invisible, their voices inaudible, their injustices unheeded. So it is imperative, as implicit in Article 21, that life or liberty, shall*

*not be kept in suspended animation or congealed into animal existence without the freshening flow of fair procedure.”*

Without literacy there can be no justice. In **Hussainara Khatun Vs. State of Bihar**<sup>4</sup> the Supreme Court held that the right to free legal services is an essential ingredient of reasonable, fair and just procedure for a person accused of an offence and it must be held to be implicit in the guarantee of **Article 21**. This was a case about many under-trial prisoners in different jails in the State of Bihar who were in jail for periods longer than the maximum terms for which they would have been sentenced, if convicted, and that their retention in jails was totally unjustified and in violation of the fundamental rights to personal liberty under Article 21 of the Constitution. While disclosing the shocking state of affairs and callousness of our legal and judicial system causing enormous misery and sufferings to the poor and illiterate citizens resulting in totally unjustified deprivation of personal liberty, the Apex Court made following

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<sup>4</sup> AIR 1979 S.C. 1371

thought provoking observations in Para 6 of the judgment,:-

*“This unfortunate situation cries aloud for introduction of an adequate and comprehensive legal service programmes, but so far, these cries do not seem to have evoked any response. We do not think it is possible to reach the benefits of the legal process to the poor to protect them against injustice and to secure to them their constitutional and statutory rights unless there is a nation-wide legal service programme to provide free legal services to them.”*

The Supreme Court further observed in the case of **Khatri vs. State of Bihar**<sup>5</sup> that the State is under a constitutional mandate to provide free legal aid to an accused person who is unable to secure legal services on account of indigence, and whatever is necessary for this purpose has to be done by the State. The State may have its financial constraints and its priorities in

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<sup>5</sup> AIR 1981 SC 926

expenditure but the law does not permit any Government to deprive its priorities in expenditure but the law does not permit any Government to deprive its citizens of constitutional rights on plea of poverty.

And then in the case of **Sukhdas V. Union Territory of Arunachal Pradesh**<sup>6</sup> the Supreme Court observed,

*“Now it is common knowledge that about 70% of the people living in rural areas are illiterate and even more than that percentage of the people are not aware of the rights conferred upon them by law. Even literate people do not know what are their rights and entitlements under the law. It is this absence of legal awareness which is responsible for the deception, exploitation and deprivation of rights and benefits from which the poor suffer in this land. Their legal needs always stand to become crisis oriented because their ignorance prevents them from anticipating legal troubles and*

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<sup>6</sup> AIR 1986 S.C. 991

*approaching a lawyer for consultation and advise in time and their poverty magnifies the impact of the legal troubles and difficulties when they come. Moreover, because of their ignorance and illiteracy, they cannot become self-reliant; they cannot even help themselves. The Law ceases to be their protector because they do not know that they are entitled to the protection of the law and they can avail of the legal service programmes for putting an end to their exploitation and winning their rights. The result is that poverty becomes with them a condition of total helplessness. This miserable condition in which the poor find themselves can be alleviated to some extent by creating legal awareness amongst the poor. That is why it has always been recognized as one of the principal items of the programme of the legal aid movement in the country to promote legal literacy. It would be in these circumstances made a mockery of legal aid if it were to be left to a*

*poor, ignorant and illiterate accused to ask for free legal service, legal aid would become merely a paper promise and it would fail of its purpose”*

In **Rama Murthy** case (supra), Supreme Court examined a brief resume of its earlier renderings dealing with rights of prisoners and prison justice which would serve as light beacons to lay bare the constitutional dimension and rights available to a person behind stone walls and iron bars as follows:-

*“The resume reveals this:-*

*(1) In State of Maharashtra v. Prabhakar Pandurang Sanzgiri<sup>7</sup> aid of Article 21 was made available perhaps for the first time to a prisoner while dealing with the question of his right of reading and writing books while in jail.*

*(2) Suresh Chandra v. State of Gujarat<sup>8</sup> and Krishan Lal v. State of Delhi<sup>9</sup> saw this Court stating about penological innovation in the shape of parole*

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<sup>7</sup> Air 1966 SC 424

<sup>8</sup> (1976) 1SCC 654

<sup>9</sup> (1976) 1SCC 655

*to check recidivism because of which liberal use of the same was recommended.*

*(3) A challenge was made to the segregation of prisoners in D.Bhuvan Mohan Patnaik v. State of A.P.<sup>10</sup> and a three-Judge Bench stated that resort to oppressive measures to curb political beliefs (the prisoner was a Naxalite because of which he was put in a “quarantine” and subjected to inhuman treatment) could not be permitted. The Court however, opined that a prisoner could not complain of installation of high-volt live wire mechanism on the jail walls to prevent escape from prisons, as no prisoner has a fundamental right to escape from lawful custody.*

*(4) In Charles Sobraj<sup>11</sup> it was stated that this Court would intervene even in prison administration when constitutional rights or statutory prescriptions are transgressed to the injury of a prisoner. In that case the complaint was against incarceratory torture.*

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<sup>10</sup> (1975) 3SCC 185

<sup>11</sup> (1978) 4 SCC 104

(5) Sunil Batra (1)<sup>12</sup> deal with the question whether prisoners are entitled to all constitutional rights, apart from fundamental rights. In that case this Court was called upon to decide as to when solitary confinement could be imposed on a prisoner. In Kishore Singh Ravinder Dev v. State of Rajasthan<sup>13</sup> also the Court dealt with the parameters of solitary confinement.

(6) Prem Shankar Shukla v. Delhi Admn.<sup>14</sup> and Kadra Pehadiva v. State of Bihar<sup>15</sup> prohibited putting of undertrial prisoners in leg-irons.

(7) In Sunil Batra (II) (supra) the Court was called upon to deal with prison vices and the judgment protected the prisoners from these vices with the shield of Article 21 Krishna Iyer. J stated that “prisons are built with the stones of law.”

(8) A challenge was made to a prison rule which permitted only one interview in a month with the members of the family or legal advisor in Francis

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<sup>12</sup> (1978) 4 SCC 494

<sup>13</sup> (1981) 1 SCC 503

<sup>14</sup> (1980) 3 SCC 526

<sup>15</sup> (1981) 3 SCC 671

Coralie Mullin vs. Administrator, Union Territory of Delhi<sup>16</sup> and the rule was held violative, inter alia, of Article 21.

(9) In series of cases to wit (i) Veena Sethi v. State of Bihar<sup>17</sup> (ii) Sant Blr v. State of Bihar<sup>18</sup> and (iii) Sheela Barse v. Union of India<sup>19</sup> this court was called upon to decide as to when an insane person can be detained in a prison. In Sheela Barse it was held that jailing of non-criminal mentally ill persons is unconstitutional and directions were given to stop confinement of such persons.”

Apart from the above, the Apex Court has laid down some of the prisoners’ rights by way of its observations in several judgments from time to time.

Accused persons, witnesses and victims with low literacy skills may not have equal access to justice. The text and process surrounding the legal system from arrest to sentencing can be complex and alienating to anyone and especially to those who have low literacy skills.

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<sup>16</sup> (1981) 1 SCC 608

<sup>17</sup> (1982) 2 SCC 583

<sup>18</sup> (1982) 3 SCC 131

<sup>19</sup> (1993) 4 SCC 204

Literacy barriers can affect both the process and the outcome, often discriminating against those who are less literate. Court efficiency and effectiveness are reduced when literacy issues are not recognized and addressed. Furthermore, the legal system is undermined when people don't understand it and lose faith in the process.

Early prevention strategies that include literacy, can help reduce the risk factors such as poverty, unemployment, and isolation that can lead to crime. Low literacy is a risk factor for recidivism. Studies show that prisoners who participate in prison-based education are less likely to re-offend. This provides social and economic returns that far outweigh the original investments. Every rupee allocated to vocational and basic education programmes for offenders has the potential to yield upto a 200-300% return on investment. Prison literacy and education programmes provide inmates with a second chance at an honest, healthy and productive life. It's worth it!

- **Prisoners' Legal Literacy Mission (PLLM)**

The proposition thus is unmistakable that literacy is crucial to ensuring equal access to justice and to

providing any sort of legal aid. As Supreme Court aptly noted in the **Rama Murthy** case (supra)

*“The journey which commenced in 1966 has thus, during the last 30 years, planted many milestones. But it seems there are yet promises to keep and miles to go before one can sleep. And how can one sleep with wailings of prisoners getting louder and louder which requires a sentinel on the qui vive, as this Court is so far as fundamental rights are concerned, to take note of the agony and to lay down what is required to be done to make prisons match the expectations of society?”*

To provide access to justice and fritter away the evils of exploitation, inequality and suffering stoutly residing in the darkness of ignorance with the illuminating lamp of literacy is the chief objective of the **Prisoners Legal Literacy Mission (PLLM)**. The project envisions that legal literacy will reform the mindset of the prisoners and help them integrate into the society.

The object of legal system is to punish the guilty and protect the innocent. While punishing the criminals is necessary, their reform after the criminals are imprisoned is equally if not more necessary, in order to prevent them from turning to crime again. It is necessary to create a suitable environment in jails to provide opportunities to the prisoners to reform themselves and change their mindset so that after their release from prison, they are prevented from venturing again towards the world of crime out of either force or compulsion of circumstances or lack of choice. Effort should be geared up to ensure that the released prisoner rather compensates for his earlier wrongs by making a positive contribution towards the society's members. Maxims that "every saint has a past and every sinner has a future" and that "hate the sin and not the sinner" are well known and well founded. Reforming prisoners is not a mere ideal but has become an integral part of their Right to Life and is also necessary from the point of view of larger public interest.

Reforms like providing vocational training, legal awareness camps, yoga, chanting and meditation sessions for physical, psychological and spiritual

upliftment, rehabilitation counselling have proved to bring positive results and need greater emphasis.

The Supreme Court has observed in a catena of judgments that the purpose of prisons is not to avenge but to reform. As Supreme Court noted in **Rakesh Kaushik vs. B.L. Vig**<sup>20</sup>,

*“From this new angle, the hospital-setting approach to prisons Gandhiji advocated the therapeutic touch penologists argue for and the raising of the level of consciousness, institutional and individual, of officials and prisoners—all these woven into a composite strategy – may well be the highway to higher awareness and socialization of feeling inside correctional homes. This technology takes us to methods like transcendental meditation, self-expression through work, facilities for studies and artistic development. The warden’s drill or the warder’s billy or the VIP’s “good chit” cannot work magic.”*

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<sup>20</sup> (1980) Supp SCC 183

Further, it was held in **Sanjay Suri v. Delhi Admn.**<sup>21</sup>,

*“It is necessary that a large dose of good living should be introduced into jail life. Ordinarily religious teaching would carry a level of elevation in that regard.”*

The Legal Service Authority has to work in co-ordination with the State and Prison Authorities to ensure that these ideals and objectives are met.

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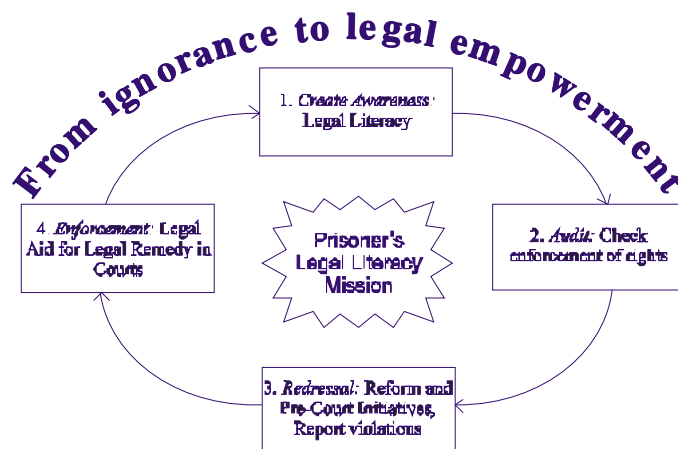
<sup>21</sup> (1988) Supp SCC 160

## 2. PROJECT STRUCTURE

- What can be done under the programme

The challenge of providing legal aid and assistance to ordinary people will require the participation of a variety of legal services providers and partnerships with a range of stakeholders and require the creation of innovative legal aid mechanisms.

As depicted below the Mission would broadly and in principle follow the continuous cycle of Awareness→Audit→Redressal→Enforcement which would further input into Awareness.



The following are some of the activities proposed to be undertaken by the Mission to meet its objectives:-

- Target the prisons and jails in a systematic manner across the State to ensure adequate and meaningful coverage of the Programme.
- Hold legal awareness camps in prisons across the State under the supervision of the District Judge with carefully crafted content to educate the prisoners about what their rights and what resources they can muster to enforce and protect the rights available to them, strategic alliances would be formed with Universities, lawyers, NGO group etc. for the purpose.
- Prepare and publish legal literacy literature (pamphlets, CDs, Banners etc.) in local language and circulate to prisoners' to support their awareness. Organize skits and audio-visual presentations for the legal literacy of the prisoners.
- Select educated or qualified or articulate or sensitive individuals among the prisoners and provide them with training and support to use the inmates themselves as a medium and vehicle of spreading awareness of legal rights to augment the resources and the legal literacy effort.

- Audit the level of awareness of rights as well as enforcement of rights of the prisoners across the State in a systematic manner, record and analyse the findings.
- Depending upon the findings from the periodic audits, remedial and redressal measures would be developed, including but not limited to proposing and co-ordinating implementation of
  - reform initiatives including counselling, rehabilitation, recreation interventions such as painting, sports, art, education, music and dance etc.
  - pre-court initiatives such as meditation, self healing, discourses in partnerships with NGOs etc.
  - report violations to the appropriate authorities for corrective action.
- Co-ordinate with the prison authorities to ensure that freedoms that belong to the Prisoners are made available to them – including freedom to read and write, to exercise and recreation, meditation

and yoga, chanting, protection from extreme cold and heat, protection from indignities like compulsory nudity, forced sodomy and other unbearable vulgarity, opportunities to acquire skills and techniques.

- Develop partnerships among advocates, literacy organizations (NGOs), Universities and law departments and government departments to research literacy levels and needs, and to respond by creating appropriate initiatives.
- Help improve prison conditions by setting up low or no cost programmes such as crafts, weaving workshops, tooling workshops etc. which are vocation oriented and self-financing. Keep prisoners up to date with current affairs.
- For problems not resolved by the Redressal steps described above, enforcement of legal rights would follow by recourse to legal remedies including before courts of law. Provide legal aid and assistance to remand prisoners who have overstayed or are being held unlawfully or inappropriately. Priority is given to vulnerably

groups (women, women with babies, young people in conflict with the law, foreign nationals, the mentally and terminally ill, and the elderly). Also assist prisoners in applying for bail with the relevant court, and advise convicted prisoners who wish to appeal against their sentence.

- Promote plain language as well as local languages in the legal process to ensure fair and effective functioning of the courts.

With reference to conducting Audits in prisons, it is pertinent to elaborate that one key focus of the audit initiatives would be to assess the level of implementation of the specific directions of the Supreme Court in regard to enforcing the prisoners' rights such as :

- Right to free legal services and other statutory rights such as bail, parole etc.<sup>22</sup>.
- Right of prisoners to access to a prisoners' handbook in local language to be informed of their legal rights and placing of a grievance box in the

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<sup>22</sup> Khatri (supra) and R.D. Upadhyay v State of AP (1996 3 SCC 422)

premises to enable prisoners to express their grievances<sup>23</sup>

- Right to food, hygiene, healthcare, clothing, protection against torture and vices, parole, visits by relatives and quicker justice<sup>24</sup>.
- Right to opportunity for interviews with legal advisor of choice<sup>25</sup>
- Duty of District Magistrates and Sessions Judges to visit prisons and listening to and remedying and grievances of the prisoners, including approaching the High Court or Supreme Court where appropriate<sup>26</sup>
- Constitution of Visitors' Board<sup>27</sup> to ensure that prisoners are up to date with cross section of latest developments in society, Sessions Judge should be given acknowledged position as a visitor and not as a casual visitor.

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<sup>23</sup> Sunil Batra II (Supra)

<sup>24</sup> Rama Murthy (Supra) and Hussainara Khatoon (supra)

<sup>25</sup> Francis Coralie Mullin v. Administrator, UT (AIR 1981 SC 746)

<sup>26</sup> Rakesh Kaushik (Supra)

<sup>27</sup> Sanjay Suri (Supra)

- Separating place of hardened criminals and juvenile delinquents<sup>28</sup>
- Providing religious teachings in jails<sup>29</sup>
- Right to drug therapy instead of chaining system for prisoners who are unruly or not physically controllable<sup>30</sup>
- Duty of State to ensure that Mental health Authority established and all steps provided in the Mental Health Act, 1987 to be implemented<sup>31</sup>
- Protect rights of pregnant women and children born to or accompanying female prisoners under incarceration<sup>32</sup>
- Right to equitable wages for prison labour and constitution of welfare fund for victims<sup>33</sup>
- Right of prisoners to approach High Court or Supreme Court under Art. 226/32 and Art. 21 for

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<sup>28</sup> ibid

<sup>29</sup> ibid

<sup>30</sup> Chandan Kumar Banik v State of WB (1995 Supp 4 SCC 505)

<sup>31</sup> In Re. Death of 25 Chained Inmates in Asylum Fire v UOI (2002 3 SCC 331); Saarthak Society v UOI (AIR 2002 SC 979)

<sup>32</sup> R.D. Upadhyay v. State of A.P. (JT 2006 (5) SC 18)

<sup>33</sup> State of Gujrat v. High Court of Gujrat (AIR 1998 SC 3164)

enforcement of their fundamental rights through a simple letter itself and for filing contempt petition in case of violation of the courts' orders<sup>34</sup>

It is worthwhile to mention that the above list is illustrative and not exhaustive.

- **Project Working**

The key Stakeholders in the Mission include District Judges, Legal Aid Counsel, Jail Administration, District Magistrate/Deputy Commissioners, Public Spirited persons, NGOs and of course the prisoners and inmates in the State prisons.

The project would be implemented and monitored at the district level. The District Judge as Chairperson of the District Legal Services Authority would be directly responsible for leading the project at the grass-root level under the overall strategic guidance of the State Legal Service Authority.

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<sup>34</sup> Sheela Barse (supra) and Sunil Batra II (supra)

The District Judge would constitute, manage and lead a co-ordination committee from amongst legal aid advocates and public spirited individual volunteers to support him in execution and ground level work as per the project objectives.

The District Judge along with the co-ordination committee would set bi-annual specific and measurable targets to achieve the Mission's objectives. He would devise plans and select the initiatives to be undertaken for his district and allocate responsibilities among his team members.

District Judge would meet with the co-ordination committee at least every 2 months to review progress, resolve any hurdles faced by the team and for overall guidance. On his visits to the prisons in his District, the District Judge will co-ordinate with the Jail Authorities to ensure that the statutory and other reform programs for the prisoners are being implemented in practice. He would also take all necessary steps to ensure that the 4 key steps of the Mission's process cycle being legal literacy, audit, Redressal and Enforcement are carried

out. District Judge would submit a report at least once in 6 months to the State Legal Services Authority, informing the Authority inter-alia, the targets set for the 6 month period, process adopted and initiatives undertaken towards each step in the cycle, stakeholders involved and target wise progress.

Apart from periodic progress review and guidance, the State Legal Services Authority would conduct a formal feedback and review session for the Mission with all District Judges and relevant stakeholders annually.