



ROLE OF EXECUTIVE AND JUDICIARY IN HIGHLIGHTING THE RIGHTS OF PRISONERS

Dal Chand Gautam*

*Teerthanker Mahaveer Institute of Management and Technology,
Teerthanker Mahaveer University,
Moradabad, Uttar Pradesh, INDIA
Email dcgautambahjoi@yahoo.co.in

ABSTRACT

The effective functioning of the criminal justice system relies heavily on prison management. Through the jail manuals, states have the main duty and power to bring about reforms in the prison system. The lives of inmates are primarily controlled by the decision-making powers of the Superintendent of Jails, which are based on jail manuals and the Prisons Act of 1849. Whether such abilities are uncontrolled or not is an open question. The sole avenue for remedy is via the courts, either through writ petitions or breaches of basic rights. However, the purpose of this study is to determine if the broad range of powers granted and the lack of accountability created are arbitrary. The role of the government and judiciary in protecting the basic rights of prisoners is the subject of this article. It also seeks to demonstrate that when it comes to powers, accountability should be created not just via the court, but also through the executive branch.

KEYWORDS: Administration, Criminal, Jail, Prisoners, And Rights.

REFERENCES

1. J. Geary, "Older Prisoners: A Human Rights Perspective," *ProQuest Diss. Theses*, 2015.
2. K. Kamber, "Remedies for breaches of prisoners' rights in the European Prison Rules," *New J. Eur. Crim. Law*, 2020, doi: 10.1177/2032284420963891.
3. R. Lines, "The right to health of prisoners in international human rights law," 2008, doi: 10.1080/17449200701862145.
4. D. Parkes, "Solitary Confinement, Prisoner Litigation, and the Possibility of a Prison Abolitionist Lawyering Ethic," *Can. J. Law Soc.*, 2017, doi: 10.1017/cls.2017.16.
5. M. V. Romanov, "The place of the prisoners' rights protection in the content of the punishment," *Probl. Leg.*, 2021, doi: 10.21564/2414-990x.153.224678.
6. I. Abdullahi, "Rights And Treatment Of Prisoners Of War Under Islamic International Humanitarian Law: A Legal Analysis," *Arch. Bus. Res.*, 2019, doi: 10.14738/abr.710.7069.
7. A. Reichstein, "A right to die for prisoners?," *Int. J. Prison. Health*, 2020, doi: 10.1108/IJPH-07-2019-0036.

8. Millhaven Lifers' Liaison Group, "Advocating for the Human Rights of Prisoners," *J. Prison. Prison.*, 2020, doi: 10.18192/jpp.v29i1-2.4955.
9. M. F. Ali Al-Fijawi, U. T. A. Maulana Akbar Shah, and M. K. Muhammad, "Violations of basic rights of prisoners in conventional and Islamic law: Theory and practice," *Intellect. Discourse*, 2019.