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# Human Rights Violation in Jails, Juvenile Homes and Detention Centers amid Covid-19.

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## ABSTRACT

*The covid 19 crisis has been the worst crisis in the human history since the past 100 years. This pandemic has caused huge loss and damage to many things. The economy has shattered and many other such horrific things have happened with the pandemic. However worst the pandemic may be, human rights of an individual human being should not be violated. These rights are very vital for humans and are the basic rights given and guaranteed by the constitution of India. From all the humans, rights of the prisoners and people in juvenile homes is also vital. The article discusses these prisoners' rights amidst the pandemic and what the government is doing to protect these people's rights. At the end, the article ends with the conclusion drawn by the author and suggestions to improve the conditions of the prisoner's and protect their rights in this pandemic.*

## I. INTRODUCTION

The coronavirus pandemic is becoming a huge concern and creating a crisis globally. The first case was detected in December 2019 in Wuhan, China, when the country first reported some unusual pneumonia type symptoms. The WHO declared a public health emergency of international concern. Slowly the virus spread across the globe and now all the major economic powers are in crisis due to this deadly virus. It has been estimated that approximately 2,75,000 people have been killed because of the virus and there are many more casualties to come.

Though this pandemic has given rise to many problems like economic loss to all the nations, food and water crisis and created many other problems, the main issue which has arisen is of the violation of human rights which is a very grave concern. Human rights are being innumerable violated prisoners in jails, migrant workers etc. many communities and certain people are facing discrimination based on their religion and race and there is a violation of right to health and safety of doctors and nurses fighting the virus<sup>2</sup>.

One important violation of human rights, which a very few people have noticed is the violation

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<sup>2</sup> "Explainer: Seven ways the coronavirus affects human rights", Amnesty International, 5 February 2020, <https://www.amnesty.org/en/latest/news/2020/02/explainer-seven-ways-the-coronavirus-affects-human-rights/>

of human rights of prisoners and people in detention camps<sup>3</sup>.

The World Health Organization has issues guidelines to stop the spread of the virus by maintaining a social distance but in prisons and detention camps, usually the inmates are very closely living to each other and are very vulnerable to the virus.

Prison conditions in India are particularly in a poor condition, so the inmates are bound to be affected and exposes them to a high risk of catching the virus.

## **II. VIOLATION OF HUMAN RIGHTS OF INMATES IN THE PANDEMIC.**

The inmates of Indian prisons have already lived in inhumane conditions even before the outbreak of the virus. To make the situation worse, the outbreak of virus has further escalated the situation. The prisoners are particularly suffering from violation of rights in this pandemic which are overcrowding, medical negligence and custodial deaths in prisons.

In Indian prisons, the prisoners were already living in a close proximity to each other and they are already suffering from various other illnesses such as cardiovascular disease, diabetes, respiratory disease etc. which makes them very vulnerable to the threat. Since there are very closely packed prisons with many inmates together, there is a very less chance of maintaining a distance and even one person catches the virus, it will make it transferable to all the inmates. The government has to come up with solution to overcrowding as soon as possible<sup>4</sup>.

Since all the medical team and support staff are busy fighting the virus and trying to help general public, the inmates of jails and juvenile homes are being neglected, there is no proper medical assistance of aid being given to them and this can lead to bigger disaster. No medical safety gear like masks is being given to them and they are nor even being checked whether they are positive or negative of the virus. This can lead to a chaotic scenario which is not welcome at the current moment.

The lockdown in India was initiated on 24 march of the year 2020 with only 4 hours of notice to everyone. The prisons on this pretext were not prepared enough to go under lockdown so there are many chances of custodial deaths happening amidst this chaos. Proper health attention and medical services if not given in prisons and juvenile homes will lead to may more such cases<sup>5</sup>.

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<sup>3</sup> “Human Rights Dimensions of COVID-19 Response “”, Human Rights Watch, 19 March, 2020. <https://www.hrw.org/news/2020/03/19/human-rights-dimensions-covid-19-response> .

<sup>4</sup> “Rise in coronavirus cases in crowded Indian jails prompts concerns”, The Japan Times, 3 May, 2020. <https://www.japantimes.co.jp/news/2020/05/03/asia-pacific/coronavirus-cases-india-jails/#.XremnmgzZPY> .

<sup>5</sup> Joseph J. Amon,” COVID-19 and Detention: Respecting Human Rights”, Health and Human Rights Journal, 23 March, 2020. <https://www.hhrjournal.org/2020/03/covid-19-and-detention-respecting-human-rights/>

### III. THE GOVERNMENT'S ACTION

The In view of the pandemic the hon'ble Supreme Court of India took *Suo Moto* cognizance to the possible effect of the deadly virus on the prisoners.

On 23 march, 2020 the court directed to form a committee at the state and union territory level comprising of 1] chairperson of state legal services committee, 2] the principal secretary and 3] director general of prisons. This action has been taken to determine which prisoners can be released on parole or bail for short notice.

In view of the deescalating situation, another case was filled by “National Form on Prison Reforms” to further ease the tensions arising in prisons and to consider early release of many prisoners<sup>6</sup>.

In another case, 54 female foreign prisoners have written to the Delhi government to release them as well amid Covid-19 since they are counterparts were also being released. The Delhi government is closely looking into the matter and will release prisoners soon which have a punishment up to 7 years<sup>7</sup>.

May political prisoners from the state of Jammu and Kashmir are also being released to decongest the prisons. The government has revoked the application of the Public Safety Act (PSA) to 70 people now being released amidst the tensions of the virus. Similarly, releases are also going to happen in the state of Haryana and Uttar Pradesh. 236 prisoners alone in the state of Jammu and Kashmir have been released<sup>8</sup>.

Tihar jail, the country largest prison has decided to release 3000 inmates who are guilty of minor offences on parole. Maharashtra government has decided to release 5000 inmates in a similar way. Maharashtra government has also set up isolation cells for prisoners with Covid -19 symptoms<sup>9</sup>.

The Odisha government in an interesting move has allowed e-visits to jail's inmates to adhere the norm of social distancing. Any person with a laptop and an internet connection can apply

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<sup>6</sup> “Contagion of Covid 19 Virus in Prisons”, Human Rights Law Network, 15 April, 2020. <https://hrln.org/contagion-of-covid-19-virus-in-prisons/> .

<sup>7</sup> “54 Female Foreign Prisoners seeks relief amid COVID-19“, India Legal, April 11, 2020. <https://www.indialegallive.com/constitutional-law-news/courts-news/54-female-foreign-prisoners-seeks-relief-amid-covid-19-95720> .

<sup>8</sup> Urgent Call for Release of Arbitrarily Detained Human Rights Defenders amid the COVID-19 Pandemic “American Bar Association, 24 April, 2020. [https://www.americanbar.org/groups/human\\_rights/reports/urgent-call-for-release-of-all-arbitrarily-detained-human-rights/](https://www.americanbar.org/groups/human_rights/reports/urgent-call-for-release-of-all-arbitrarily-detained-human-rights/) .

<sup>9</sup>VAKASHA SACHDEV, “Are States Doing Enough to Decongest Jails Amid COVID-19 Threat?“, The Quint, 8 April, 2020. <https://www.thequint.com/news/india/state-high-powered-committees-decongestion-jails-covid-19-supreme-court-order-not-enough> .

for the e-visit. This e-mulakat system will be operational in all 30 districts of the state and is a step to limit the spread of the virus particularly in the prisons<sup>10</sup>.

#### **IV. CONCLUSION:**

The coronavirus pandemic situation is not getting better any time soon, so the government should take adequate steps to ensure that human rights are not violated of the prison inmates because they all also have the same right to life, health and safety as to any normal citizen and it is guaranteed by the constitution of India.

The government and other related bodies should not neglect these prisoners or treat them at low because they are some criminals and have done some immoral acts but rather treat them equally and ensure their proper sanitization and health.

It is very sad to hear that a footage shared by the Amnesty International on detainees of a Cambodian prisons are living in “inhumane conditions” with lack of food and overcrowded cells which is exposing the prisoners to a great threat of the virus<sup>11</sup>.

In another incident, Venezuelan prisons does not have food for their inmates as the food was provided by their relatives and which is now not possible due to the virus. A prison riot killed 46 prisoners and injured about 70 prisoners<sup>12</sup>.

These types of incidents are shattering and they break us down and at the current moment when the world is already in a worse situation these incident just worsen. Thus, it is an appeal to the government to look into the serious matter and treat the situation also on a high alert level and for the prisoners the government just should not do them a favor but, just give them what is theirs, their rights.

#### **V. SUGGESTIONS**

Government agencies in India in prisons, detention centers and juvenile homes should consider the option of early release of low risk categories of offenders in order to lessen the crowd in these places. Offenders who are in pre-trial detention of those found guilty of non-violent and lesser offences should be considered to be released. Individuals which are highly aged and have underlying health conditions and detainees with serious health issues should also be considered

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<sup>10</sup>Mohammad Suffian,” Coronavirus in India: How Odisha govt is conducting e-visits in jails to prevent spread “, India Today, March 19, 2020. <https://www.indiatoday.in/india/story/coronavirus-in-india-how-odisha-govt-is-conducting-e-visits-in-jails-to-prevent-spread-1657332-2020-03-19> .

<sup>11</sup> “Cambodia: Exclusive footage reveals deplorable prison conditions”, Amnesty International, 10 April 2020. <https://www.amnesty.org/en/latest/news/2020/04/cambodia-exclusive-footage-reveals-deplorable-prison-conditions/>

<sup>12</sup>“Riot in Venezuela prison kills at least 40 and injures 50, including warden “, The Guardian, 2 May 2020. <https://www.theguardian.com/world/2020/may/02/riot-in-central-venezuelean-prison-kills-dozens>

for release. The offenders with serious offences should be considered to be shifted to other locations where hygiene is there and distancing could be maintained.

Authorities of these facilities should publicly disclose their plan of action to prevent coronavirus and also try to maintain the health safety of the jailors and prison staff. Persons who are in detention have the same right to health and medical assistance as guaranteed by the constitution. The authorities of the above-mentioned facilities should coordinate with public health departments like the Mistry of health and other local bodies to ensure healthy and safe practices. They should start screening the inmates for Covid 19 and should provide adequate hygiene and safety training to combat the virus.

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