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Solitary Confinement: Story Woven in Silence

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ABSTRACT

Your room could be covered in a matter of steps in its entirety of dimensions, the room was a steel door without anyone ever leaving, if there was no one to talk to but yourself, would the silence break the sanity of the mind? The description of solitary confinement can be measured in words however the true impact can only be felt by an inmate sitting inside the cell, Solitary confinement is utilized for a variety of reasons, including disciplinary punishment, criminal investigations, protecting an individual, and preventing dangerous circumstances. In India solitary confinement is bound under the law in a matter to protect individual rights as well as the prisoner's rights. Solitary confinement is a significant problem in the USA and has an impact on thousands of people's lives. Being left alone for long periods of time—months or years—can cause excruciating suffering. The side effects can include anger, rage, paranoia, hallucinations, anxiety, panic, and, in rare cases, suicide. The study focuses on the nature of confinement and its impact on individuals.

I. INTRODUCTION

It was during the pandemic of Covid-19 that humans experienced a strange world of isolation that is not even a fraction of the harrowing experience of solitary confinement. Imagine any sentient being placed in a box without a window to the outside world or any stimulation from its kind this a reminder to the cruel nature of solitary confinement. Human is a social creature that lives in the dynamics of society enclosed within in its rules and law. The central idea of punishment in modern era is about repentance and reformation, however certain old practices remain till date. Solitary confinement is a punishment of such harsh nature that it confines an individual within mental and physical constraints of his being. In a few countries it is also called segregation, such as UK.

One of the earlier known examples of confinement in isolation can be dated back to the Walnut Street Jail that was built in the 1800's as well as Eastern State Penitentiary in Philadelphia in 1829. The practice was initially started as a form of repentant measure. This was expected to yield results with prisoners having undergone time period of reflection and penitence yet it led

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to extremely debilitating psychological challenges.

Human beings are creatures that belong in groups. They are psychologically wired to live in a society amongst others, deprivation of an individual from the group was seen as a sign of intense punishment usually reserved for harsh crimes. Any person outcasted would in ancient times be at the mercy of God's will and nature's wrath. In the modern era, the isolation in cemented cells that bound by dimensions, confining the inmate's life and interactions to the four walls of the confinement. A human so vile in nature secluded from other's in while not humane is understandable to protect the interest of other individuals involved.

(A) Definition

Solitary confinement goes by many names, including "special housing units," "administrative segregation," "disciplinary segregation," and "restrictive housing," but generally speaking, these circumstances exist: Spending 22 to 24 hours every day in a small cell by yourself.²

solitary confinement means a punishment in which someone is kept in a room alone, usually in a prison according to the Cambridge dictionary.

Legal information institute (Cornell law school) - In solitary confinement, commonly referred to as isolation or administrative segregation, a prisoner is housed in a cell alone with little access to other inmates.

Tocqueville quoted on visiting the eastern penitentiary in U.S.A, this absolute solitude, if nothing interrupts it, is beyond the strength of man; it destroys the criminal without intermission and without pity; it does not reform, it kills.

The general standard is when an individual is locked in a cell for 22+ hours with no human or external interaction.

II. INDIAN LAW ON SOLITARY CONFINEMENT

Article 21 of the Constitution of India³, which deals with the preservation of life and individual freedom. Nobody's life or personal freedom can be taken away from them unless it's legal to do so. Solitary confinement was defined by the Supreme Court in *Kishore Singh Ravinder Dev v. State of Rajasthan*⁴ as "a confinement consisting of complete separation and isolation of the convicts from other co-prisoners and segregation from the outside world of the prison." All fundamental rights that are compatible with their confinement are guaranteed to convicts.

² (www.prisonpolicy.org, Tiana Herring, 2020/12/08)

³ The Constitution of India Act, 1950

⁴ 1981 0 AIR(SC) 625

*Sunil Batra V. Delhi Administration*⁵ it was held that the convicts are guaranteed all fundamental rights that are consistent with their incarceration. The person entering prison does not lose their fundamental rights. India has signed the International Covenant on Prisoner's Rights. In India, prison justice and judicial jurisdiction are now recognized, and if a prisoner's rights under the Constitution or another legislation are infringed, the court will step in to help.

Indian Penal Code⁶ defines solitary confinement in the section 73&74 it talks about the time period of solitary confinement prescribed under the Indian law :-

	Term of Imprisonment	Time in solitary confinement
Not more than	6 months	1 month
	1 year	2 months
More than	1 year	3 months

- (i) Overall, 3 months (Section 73).
- (ii) 14 days at a time, separated by intervals of at least 14 days.
- (iii) If the sentenced period of incarceration is longer than three months, seven days in a month with breaks of less than seven days (Section 74).

The act permits for solitary confinement but for a period of term not surpassing 3 months during which a person can't be isolated for more than 14 days at a time. Two blocks of punishment must have a gap of 14 days in between. This means that the separation of inmates from other's is not arbitrary in nature. The procedure for an inmate receiving solitary confinement is within the due process of law and in purview of the precedents of the Indian courts.

*In K.S Puttaswamy*⁷ The judgement touched upon the subject and held that - Privacy law: Rights protected by Articles 19 and 21 overlap - In cases where it has an impact on life or personal liberty, a law that affects one of the rights guaranteed by Article 19 must also comply with the requirements of a legal "process established by law" under Article 21. The right against solitary confinement is one of the rights under the Article that have been expanded by judicial interpretation. A challenge to the solitary confinement provisions of Section 30(2) of the Prisons Act, 1894, which mandated that an inmate "under sentence of death" had to be held in a cell

⁵ 1980 0 AIR(SC) 1579

⁶ Indian Penal Code ,1860

⁷ 2017 0 AIR(SC) 4161

apart from other prisoners, was taken up by the Supreme Court shortly after the *Maneka*⁸ ruling. The court noted that Sections 73 and 74 of the Penal Code, which provide a substantive punishment by way of solitary imprisonment, were not under question in *Sunil Batra v. Delhi Administration*⁹. In order to interpret Section 30(2) of the Prisons Act¹⁰ more narrowly, it was decided that the phrase "under sentence of death" would only be applicable once the convict had exhausted all of his or her legal options and the clemency plea had been rejected. When the death penalty has been applied and decided upon and there is no hope for the prisoner, isolation is only used in such severe cases. In these situations, imprisonment is a means to keep the hardest criminals away from others in their final moments. A prisoner is not considered to be on death row until his or her sentence has passed legal muster and is carried out without the need for any other authority's intervention. He is entitled to his constitutional rights under Articles 14 and 21 up until that point.¹¹

Convict received a death sentence for the murder of five members of the same family. A mercy petition was filed, and the respondent was placed in solitary confinement for 18 years. After serving a total of 25 years, it was determined that the High Court had the power to commute the death sentence to life in prison due to the excessive delay in processing the case.¹²

29. Solitary confinement¹³- No cell may be used for solitary confinement unless it is equipped with a way for the prisoner to interact at any time with an officer of the facility. Additionally, any prisoner who is detained in a cell for more than 24 hours, whether as a punishment or otherwise, must have the medical officer or a medical subordinate visit them at least once each day. Solitary confinement can only be imposed during a rigorous punishment.

III. BRITISH RAJ AND SOLITARY CONFINEMENT

India in the start of the British Raj saw experimentation with solitary confinement or modes of severe punishment with the individuals challenging the empire. The British transformed the cellular prison into the enormous building it is today in 1906. Before the fortified cellular jail was constructed, there was an open jail in Andamans.

In its heyday, the jail comprised seven enormous wings with hundreds of cells used to imprison political prisoners. The British spent ten years at Port Blair constructing the renowned and notorious Cellular jail. It was the most imposing and dreaded colonial prison ever built. The

⁸ A.I.R. 1978 SC 597(1)

⁹ (1978) 4 SCC 494

¹⁰ Section 30(2) of The Prisons Act, 1894

¹¹ 2019 1 AllMR(SC) 493

¹² 2019 2 Crimes(SC) 348

¹³ Section 29 of The Prisons Act, 1894

convicts endured the most heinous forms of punishment before being hanged to death. During the fight for India's freedom, many important dissidents were detained here, including Veer Savarkar and Batukeshwar Dutt.

This prison contained close to 693 cells. Each cell had a width and height of 3 meters. The term "cellular jail" is still used to refer to a "solitary prison," as contact was both difficult and prohibited in this setting.¹⁴

IV. ANDA CELL

A unique form of imprisonment takes place in India in regards to solitary enclosure in the form of Anda Cell. The anda cell exist in Pune, Yerawada Central Jail that happens to be a high security prison for inmates with 10ft x 10ft cells. Anda cell is called so due to the oblong shape and similarity to the shape of an egg.

He acknowledged during his cross-examination in paragraph No. 29 that he spent roughly 78 months in the mental ward. In his cross-examination, he further acknowledged that he had been in Anda Cell since January 2008 in paragraph No. 26. That indicates that he has been held in isolation since January 2008. We cannot ignore the fact that P.W.1 was obliged to be detained in a mental facility when he asked the trial Court for a pardon under the condition that he fully disclose the offence. After that, solitary detention was assigned to him, which is torture in and of itself.¹⁵

This Anda Barrack solitary confinement have affected on my mind and psychological mental problems diseases happened and medicines have started. Various types of hallucinations happen to me, by keeping me so I have even forgotten to communicate with human being's and every human feelings have been wiped out even animals are not kept like this. I am not a terrorist or affiliated to any underworld nor have I broken any prison rules.¹⁶

V. SOLITARY CONFINEMENT IN USA

In the early 1800s, the technique was first tried out in the United States with the idea that inmates would utilize the opportunity to confess their sins. But the outcomes fell far short of expectations. Mental problems, commonly referred to as "prison psychosis," started to emerge in inmates who were subjected to solitary confinement.¹⁷

¹⁴ Andaman, Tropical. "Cellular Jail: Timing, Updated Photos, History and Reviews 2022." Cellular Jail: Timing, Updated Photos, History and Reviews 2022, www.tropicalandamans.com/cellular-jail. Accessed 13 Oct. 2022.

¹⁵ 2018 0 Supreme (Bom) 1327

¹⁶ 2022 0 Supreme (Bom) 1151

¹⁷ Packtor, Chrissy. "History and Health Consequences of Solitary Confinement - Public Health Post." Public

It has always been impossible to estimate the number of prisoners detained in isolation in the US. State-by-state variations, flaws in data collection, and varying definitions of what qualifies as solitary confinement account for the lack of accurate statistics. However, based on the best estimates at this time, 80,000 to 100,000 prisoners may be housed in some type of isolation.

One can spend up to 24 hours a day in a cell while in solitary confinement. Federal inmates, for instance, often spend two days a week totally in isolation and the other five days for 23 hours a day in their cell with one hour outside for exercise. Exercise is typically done by yourself in a gym or fenced-off area known as a "dog run." While some inmates must be led in chains to the shower, others receive showers within their cells. For visits or phone calls, they might not be permitted to leave their cells.

Cell sizes for solitary confinement range from 6 feet by 9 feet to 8 feet by 10 feet. While some have bars, complete metal doors are more common. All interactions with jail staff as well as meals typically pass via slots in these doors. People who are housed in these cells are compelled to remain idle and are not allowed to participate in employment or education programs for prisoners. Televisions, radios, painting equipment, and even reading materials may occasionally be prohibited in prisoners' cells.¹⁸

Wolff v. McDonnell¹⁹

Justice Byron R. White, writing for the majority in a 6-3 ruling, reversed some portions of the judgement while upholding others. Although detainees are not given full access to due process rights, the Supreme Court determined that disciplinary procedures must still include the accused individual written notice of the allegations, a written account of the facts, and the opportunity to call witnesses and present evidence. When a prisoner requests to present evidence or call witnesses, the court gave officials the discretion to refuse if doing so would put "undue risk to institutional safety." Additionally, the Court ruled that it was not unlawful for a jail officer to open privileged letters in front of other convicts.

On the basis of a single, unreviewed report from a guard, prisoners frequently have their privileges lost, are denied the right to counsel, are placed in solitary confinement or maximum security, or have their accrued good time reduced. This guard is the one to whom the Courts assign final authority on reasonable prison procedures when they defer to administrative

Health Post, 19 Nov. 2018, www.publichealthpost.org/news/history-and-health-consequences-of-solitary-confinement.

¹⁸ Casella, Jean, and Sal Rodriguez. "What Is Solitary Confinement? | Prisons and Probation | the Guardian." *The Guardian*, 27 Apr. 2016, www.theguardian.com/world/2016/apr/27/what-is-solitary-confinement.

¹⁹ 418 U.S. 539 (1974)

discretion.²⁰

Hudson v. McMillian,²¹ It was held Even if a prisoner isn't seriously hurt, using excessive physical force on them may still be considered cruel and unusual punishment.

The main judicial test established in Whitley v. Albers is used whenever prison staff are accused of using excessive physical force that amounts to "the unnecessary and wanton infliction of pain," a violation of the Cruel and Unusual Punishments Clause. This test determines whether force was used in good faith to maintain or restore discipline or maliciously and sadistically to cause harm.

Albert Woodfox, whose nearly 44 years in seclusion are believed to be the longest in American history, created a blueprint to survive isolation in confinement. Woodfox a member of the Angola 3 endured claustrophobia, gassings, beatings, and other forms of torture for the following 43 years while being imprisoned in a 6-by-9-foot cell for 23 hours every day.

The Angola 3 were thought to be the focus of abuse because of their Black Panther Party activities inside the prison, according to Amnesty International and other advocacy organizations.²²

VI. PSYCHOLOGICAL IMPACT

a butterfly trapped in a glass box would perish within a short time period. An individual locked in a box like room with no access to outside world shall in prolonged exposure would surely suffer some form of mental breakdown or delirium. Isolation's long-term effects on physical and mental health are not fully known. In 1983, a psychiatrist interviewed a number of inmates held in solitary confinement in a Massachusetts correctional facility. The psychiatrist discovered a particular group of diseases in these prisoners, including derealization experiences, ego-dystonic violent fantasies, paranoid ideation without overt delusions, and visual abnormalities.²³

After being in solitary confinement, people frequently acquire post-traumatic stress disorder (PTSD) or symptoms similar to it. Comparatively, the detainees who were not subjected to solitary confinement have lower levels of the disorder and symptoms mentioned.²⁴

²⁰ Wolff v. McDonnell, Oyez, <https://www.oyez.org/cases/1973/73-679>

²¹ Hudson v. McMillian, 503 U.S. 1 (1992)

²² MIRANDA, SHAUNEEN. "ALBERT WOODFOX, WHO SPENT NEARLY 44 YEARS IN SOLITARY CONFINEMENT, DIES : NPR." NPR.ORG, 5 AUG. 2022,

²³ Grassian, S. "Psychopathological effects of solitary confinement." *The American journal of psychiatry* vol. 140,11 (1983): 1450-4. doi:10.1176/ajp.140.11.1450

²⁴ Freedy, John R et al. "Post-traumatic stress disorder screening test performance in civilian primary care." *Family practice* vol. 27,6 (2010): 615-24. doi:10.1093/fampra/cm049

The likelihood of self-harm among inmates in the New York City jail system was nearly seven times higher than that of non-solitary inmates.

People maintained in solitude have a higher risk of developing schizophrenia and other mental health problems. The likelihood of having delusions and hallucinations is higher in people who live alone. When a person is alone, they may lose their sense of reality, which can lead to paranoia, claustrophobia, anxiety, and other mental disorder symptoms. Many prisoners frequently engage in self-destructive conduct in an effort to exert control over their environment.²⁵

Physical health may be compromised. Prisoners who have been placed in solitary confinement are not permitted to leave their cell or go outside at all. As a result, they run the risk of developing vitamin D deficiency, which increases their vulnerability to a variety of diseases, and they get very little exercise. Additionally, when emergency medical attention is required, solitary confinement can obstruct that process, causing illnesses to worsen and develop into more catastrophic disorders.²⁶

VII. SOLITARY CONFINEMENT AS A PUNISHMENT

The initial thought behind the starting of solitary confinement as an experiment was the need for reform and repentance in an inmate who had committed crimes that barred him to be living amongst other individuals going through the same process and life as oneself. The crime must be equal to the punishment, a fair process must be there to ensure that the punishment fits the crime, while no criminal should go unpunished but an innocent shouldn't be punished for a crime. These punishments must be given in a way that will prevent the offender from committing the same wrong again. Therefore, the punishment must be something that the inmates can learn from and should not leave them weak mentally and physically or vulnerable to stress. In India the prisoners act recommends housing for prisoners in hygienic conditions. The provision of shelter and safe custody for the excess of prisoners that no jail can safely house. provisions for a prisoner medical examination by a highly skilled medical officer. Prisoner identification measures include separating male and female inmates, civil and criminal inmates, and convicts who have been found guilty and tried. provisions for inmates who are awaiting trial, civil detainees, prisoner release, and conditional release. To safeguard, reform, and ensure the wellbeing of prisoners, the Parliament passed the Prisons Bill in 2016, modifying

²⁵ tarink. "Solitary Confinement: The Pros and Cons | Pappalardo and Pappalardo, LLP." Pappalardo & Pappalardo LLP, 26 Oct. 2017, pappalardolaw.com/2017/10/solitary-confinement-pros-cons.

²⁶ Ibid 22

the Prisons Act of 1894.²⁷

VIII. CONCLUSION

Solitary confinement can be considered similar to being buried alive, breathing but stranded far from the normal functioning world. Chained to the four walls of one's own mind bound by the limitations of silence only to be shattered by sound of one's own voice. Humans are built to respond to stimulation but being inside four barren walls with nothing but emptiness can lead a person down the path of psychosis. The practice of solitary confinement is inhuman to an extent that it shouldn't be practiced by civilized nations. Majority of countries have at a point or another barred people from interaction with their counter parts in name of protecting the majority from the minority that may cause harm. Any person disrupting the daily functioning or routine is to be sentenced the silence. The solitude placed to evoke a sense of reflection in an individual rather leads to a fragile mental state plagued by horrors in form of anxiety, delusions, hallucination and much more. It's an inhumane act but can be justified on counts of protection of others in the premise.

²⁷ The Prisons Act,1894