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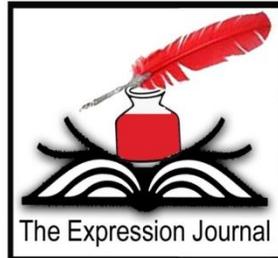


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**SOLITARY CONFINEMENT: A CRITICAL ANALYSIS**

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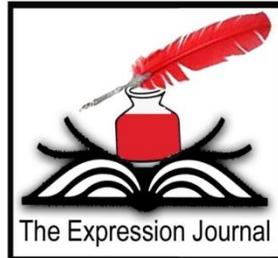
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**Abstract**

Solitary confinement is a type of detainment in which a detainee is secluded from any human contact, frequently except for individuals from jail staff, for 22– 24 hours per day, with a sentence extending from days to decades. It is for the most part utilized as a type of discipline past detainment for a detainee, generally for infringement of jail controls. Nonetheless, it is likewise utilized as an extra measure of protection for vulnerable prisoners. On account of detainees at high danger of suicide, it can be utilized to counteract access to things that could enable the detainee to self-hurt. Solitary confinement is an extreme type of detainment. Research shows that it can have a significant negative effect on wellbeing and prosperity, the nature and degree of which relies upon the emotional wellness and premorbid change of the individual and the degree, conditions, length and setting of the repression. Those with mental turmoil or learning incapacity, youngsters, youthful grown-ups, and pretrial prisoners are especially defenseless against its harming impacts. International bodies have called for solitary confinement to be used just in exceptional situations when totally necessary and afterward for as short a period as would be prudent and subject to strict protections.

**Keywords**

Human Dignity, Confinement, Health, Seclusion, Aftermaths.



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Solitary Confinement in a general sense means the separate confinement of a prisoner, with only occasional access of any other person, and that too only at the discretion of the jail authorities, In strict sense it means the complete isolation of a prisoner from all human society.

Torture is regarded by the police/ investigating agency as normal practice to check information regarding crime, the accomplice, extract confession. Police officers who are supposed to be the protector of civil liberties of citizens themselves violate precious rights of citizens. But torture of a human being by another human is essentially an instrument to impose the will of the strong over the weak. Torture is a wound in the soil so painful that sometimes you can almost touch it, but it is also so intangible that there is no way to heal it.

In the case of Sunil Batra v. Delhi Administrator, Krishna Kyer J. held

“Grim walls glare at him from all sides night and day; his food is inserted into the room and his excretory needs must be fulfilled within the same space. No pillow to rest his restless head, no light inside, save the bulb that burns blindly through the night from outside, no human face or voice or view except the warder’s constant compulsory intrusion into the prisoner’s privacy, punctuated by a few regulated visits of permitted relatives or friends, with iron bars and peering warder’s presence in between. No exercise except a generous half - hour, morning and evening, in a small, walled enclosure from where he may do asanas were he yogi ,do meditation were he sanyasi and practice communion with Nature were the Wordsworth or Whiteman or break down in a speechless sorrow where he but common clay. A few books, yes, newspaper? No. Talk to others? No; save echoes of one’s own soliloquies; no sight of other except the stone mercy in pathetic fallacy.”

In the case of D.K. Basu v. State of West Bengal, the Court treating the letter addressed to the Chief justice as a writ petition made the following order. In almost every

States there are allegations and these allegations are now increasing in frequency of deaths in custody described generally by newspapers as lock-up deaths. At present there does not appear to be any machinery to effectively deal with such allegations. Since this is an all India question concerning all States, it is desirable to issue notices to all the State Governments to find out whether they are desire to say anything in the matter. Let notices issue to all the State Government. Let notice also issue to the Law Commission of India with a request that suitable suggestions may be made in the matter. Notice be made returnable in two months from today.

Custodial torture is a naked violation of human dignity and degradation which destroys, to a very large extent, the individual personally. It is a calculated assault on human dignity and whenever human dignity is wounded, civilization takes a step backward. Fundamental rights occupy a place of pride in the Indian Constitution. Article 21 provides no person shall be deprived of his life or personal liberty except according to procedure established by law. Personal liberty, thus, is a sacred and cherished right under the Constitution. The expression life or personal liberty has been held to include the right to live with human dignity and thus it would also include within itself a guarantee against torture and assault by the State or its functionaries. Article 22 guarantees protection against arrest and detention in certain cases and declares that no person who is arrested shall be detained in custody without being informed of the grounds of such arrest and he shall not be denied the right to consult and defend himself by a legal practitioner of his choice. The Court, therefore, considered it appropriate to issue the following requirements to be followed in all cases of arrest or detention till legal provisions are made that behalf as preventive measures:

1- The police personnel carrying out the arrest and handling the interrogation of the arrestee should bear accurate, visible and clear identification and name tags with their designations. The particulars of all such police personnel who handle interrogation of the arrestee must be recorded in a register.

2- That the police office carrying out the arrest of the arrestee shall prepare a memo of arrest at the time of arrest and such memo shall be attested by at least one witness, who may be either a member of the family of the arrestee or a respectable person of the locality from where the arrest is made, it shall also be countersigned by the arrestee and shall contain the time and date of arrest.

3- A person who has been arrested or detained and is being held in custody in a police station or interrogation centre or other lock-up, shall be entitled to have one friend or relative or other person known to him or having interest in his welfare being informed as soon as practicable, that he has been arrested and is being detained at the particular place, unless the attesting witness of the memo of arrest is himself such a friend or a relative of the arrestee.

4- The time, place of arrest and venue of custody of an arrestee must be notified by the police where the next friend or relative of the arrestee lives outside the district or town through the Legal Aid Organisation in the District and the police station of the area concerned telegraphically within a period of 8 to 12 hours after the arrest.

5- The person arrested must be made aware of this right to have someone informed of his arrest or detention as soon as he is put under arrest or is detained.

6- An entry must be made in the diary at the place of detention regarding the arrest of the person which shall also disclose the name of the next friend of the person who has been informed; of the arrest and the names and particulars of the police officials in whose custody the arrestee is,

7- The arrestee should, where he so requests, be also examined at the time of his arrest and major and minor – injuries, if any, present on his / her body, must be recorded at that time. The “Inspection Memo” must be signed both by the arrestee and the police officer effecting the arrest and its copy provided to the arrestee.

8- The arrestee should be subjected to medical examination by a trained doctor every 48 hours during his detention in custody by a doctor on the panel of approved doctors appointed by Director, Health Services of the concerned State or Union Territory, Director, Health Services should prepare such a panel for all Tehsils and Districts as well.

9- Copies of all the documents including the memo of arrest, referred to above, should be sent to the Magistrate for his record.

10- The arrestee may be permitted to meet his lawyer during interrogation, though not throughout the interrogation.

11- A police control room should be provided at all district and State Headquarters, where information regarding the arrest and the place of custody of the arrestee shall be communicated by the officer causing the arrest, within 12 hours of effecting the arrest and at the police control room it should be displayed on a conspicuous police board.

In *Kishore Singh Ravinder Dev v. State of Rajasthan* it was stated by Justice Krishanlyer that solitary confinement has to be resorted to only in the rarest of rare cases for security reasons to make it in consonance with Article 21 of the Constitution.

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