

List of Cases in Karnataka on Prison Reforms –

Under-trial Prisoners –

1. **Afsar Khan v. State of Girinagar Police, Bangalore** – 1991 – the court expressed the need to have a speedy trial procedure and said that there needs to be a mechanism to allow the release of under-trial prisoners as most of them cannot leave prisons due to the inability to furnish bonds etc.
2. **Advocates' Association v. Chief Minister, Government of Karnataka** – 1996 – in this case the court explicitly said that speedy trial is an important ingredient of free and fair trial. moreover, in the same case the court also said that Indian Courts should take upon itself like the US courts have to implement prison reforms as current conditions in the prisons of the country are appalling.
3. **Jaswinder Singh and Ors. vs. State of Karnataka** – 2002 - the question was regarding handcuffing the prisoners while getting them to trial - violent, disorderly behaviour and antecedents of prisoner while committing offence are relevant factors to be considered for justification for handcuffing - keeping in view nature of offence with which accused were charged, modus operandi of commission of offence and alleged violent and scheming conduct of accused in commission of offence, Sessions Court justified in making Order for handcuffing for limited purpose and period between their transit from prison to Court and back.
4. **Syed Shabbir Hussain and Ors v. State of Karnataka** – 2003 – this case was about the justifications for handcuffing the undertrial prisoners – the police officer in question had handcuffed, chained and paraded naked the prisoner – the court held that the Karnataka Police Manual Clause 1345 (4) which talked about the Use of Handcuffs and chains on the accused persons needs to be follows - Police Officers should record reasons in writing -- Procedure contemplated in the police manual has to be followed

Custodial Violence –

1. **Smt. Suguna and Ors v. State of Karnataka and Ors.** – 2000 - the case was that of custodial death and compensation demanded by the family of the undertrial – the petitioners contested that the death of the undertrial prisoner occurred due to violence on them by the police – the police contended that the injuries that resulted in death occurred due to an attempt at jail break by certain prisoners – the court was of the view that none of the evidence given by the police was strong enough to absolve their duty and responsibility and since the death happened in their custody they were liable to pay the compensation even if no criminal action would be taken against them
2. **Smt Tungamma and Ors. V. State of Karnataka and Ors.** – 2001 – this case was also about custodial death and compensation. While the police in this case claimed that the death occurred due to violence between two factions of prisoners, the court quoting the abovementioned judgement extensively said that the undisputed facts of

the case was that the prisoner was in state custody and he died during that period and hence the state would undoubtedly be liable to pay compensation for the death in this case as well.

Custodial Death –

1. **Ismat Sara v. State of Karnataka – 1980** – Magistrate found that that a custodial death that occurred did not have any foul play – the order was challenged in High Court – the court held that the magistrate was in its power to ascertain the veracity of the order – the High Court cannot be asked to look into such orders through CrPC 176 and 174.
2. **Smt Parvathamma v. Chief Secretary and Ors – 1995** – the case was of compensation for custodial death. The court held that Non-examination of the doctor and the alleged eye-witnesses and the non-furnishing of information as to the mode of hanging have all clearly gone to show that the police had not exercised due diligence and care with respect to the deceased while in their custody - Indefeasible rights guaranteed under Article 21 of the Constitution and the remedies available in public law as laid down by the Supreme Court is a strict liability for contravention of basic rights of the citizens - The purpose of public law is not only to civilize public power but also to assure the citizens that they live under a legal system which aims to protect their interests and preserve their rights - Once a prisoner is in police custody, custodial death cannot be treated in casual and cavalier fashion - State cannot escape the liability in providing immediately interim relief for the victim's family whenever the death occurs while in their custody
3. **Samata Vedike v. State of Karnataka and Ors – 2002** - Articles 32 and 21 of Constitution of India - petitioner alleged commission of atrocities by police authorities and demanded compensation by filing writ petition against State and concerned police authorities - petitioner allegation was that on suspect of commission of theft she was taken to police station for interrogation wherein she was interrogated by use of vulgar language - petitioner claimed torture being inflicted on her by pressing of finger nail and threatening of being stripped naked and of being gang raped - petitioner claimed on apprehension of being gang raped she jumped from second floor of police station and suffered grievous injuries - response of police official in nature of total denial except acceptance of interrogation an that too in dignified manner - no sufficient explanation put forward by respondent as to why petitioner took extreme step of jumping from second floor - enquiry and report conducted by police officials in respect of alleged commission of offence by petitioner revealed several irregularities - petitioner held to had proved commission of cruelty meted out to her and granted compensation.
4. **Abdul Munaf Choudhary v. State of Karnataka Rep. By its Secretary – Home Department and Ors – 2003** - Directions sought to enquire into the lock-up death of a youth who was in the pink of his health aged about 22 years and to direct the COD to hold a full pledged enquiry into the lock up death. Held : A death while in custody

is a matter of grave concern and requires a proper investigation into the circumstances leading to death. The deceased person was a healthy youth of 22 years of age and until and unless he had been subjected to other physical trauma, it cannot be readily inferred that such a healthy person suddenly suffered a massive heart attack and died and that death is attributable only due to such natural cause and nothing else. The matter calls for a proper and impartial investigation and necessary follow up action on the same and the Commissioner of Police, Hubli is directed to hold an investigation into the incident of death of the youth.