

Constitution of India, Article 21 – Quasi-solitary confinement – Petitioner is being confined in a separate cell for 22 hours in a day – They are released from their respective cells for one hour in the forenoon and one hour in the evening. Is this solitary confinement? – Quasi-solitary confinement is held to be illegal and violative of the Rights guaranteed under Article 21 of the Constitution –

Held, that an inmate is confined in the cell, except for two hours – For all this period, he has no company except for the odd prison staff which comes by on rounds. He is not able to see any other human being and thus, conversation with fellow beings is out of the question. There is no facility of common messing. Except for one hour in the morning and one hour in the evening, the inmate is all by himself with his solitude and there is no limit on the period for which he will be so confined. Such confinement is not strictly solitary confinement but can be called quasi-solitary because the inmate is deprived of human company for extended lengths of time and such confinement has been held to be extremely harsh and violative of basic human rights which remain the entitlement of every prisoner according to *Sunil Batra (II)*. It can thus not be justified even on grounds of maintenance of discipline and order and curtailment of crime. A prisoner remains a person and cannot be reduced to animal existence. Such treatment completely discards the rehabilitative aspect of punishment, which is a major component in the philosophy of sentencing in every developed society. It is evident that the letter of law laid down in the path breaking judgments of *Sunil Batra (I) and (II)* is still to be fully assimilated and implemented.

[**Prisons Act, 1894 \(9 of 1894\).**](#) ([Click here for Bare Act](#))

[**\(2021-3\) Punjab Law Reporter 242**](#)