

PIL FILED IN SUPPORT OF NALSA'S SPECIAL CAMPAIGN FOR OLD PRISONERS AND TERMINALLY ILL PRISONERS

A Public Interest Litigation has been filed before the Hon'ble Supreme Court of India, seeking urgent intervention for the release of elderly and terminally ill convicted prisoners across the country. The petition highlights the dire conditions faced by such prisoners and calls for the implementation of compassionate release of the identified prisoners in line with constitutional and human rights obligations.

The petition underscores the alarming rise in the number of elderly and infirm prisoners languishing in prisons, often without adequate medical care or access to dignified living conditions. It argues that the prolonged incarceration of such individuals violates their fundamental rights guaranteed under Articles 14 and 21 of the Indian Constitution as well as international human rights principles recognized by the United Nations.

NALSA's Special Campaign: A Humanitarian Initiative

In a landmark initiative, the National Legal Services Authority (NALSA) launched the Special Campaign for Old Prisoners & Terminally Ill Prisoners to address the plight of vulnerable inmates. The campaign, initiated under the esteemed guidance of Hon'ble Executive Chairman, NALSA, Justice B.R. Gavai, was launched on December 10, 2024 on the event of Human Rights Day.

Key objectives of the campaign include:

- Identifying and facilitating the release of elderly and terminally ill prisoners through legal aid and judicial intervention.
- Supporting reintegration of released prisoners into society through post-release assistance.

To ensure the effective implementation of this initiative a National Unit, State Units, and District Units have been formed to conduct prison visits, collect data, and coordinate legal aid efforts.

NALSA has included terminally ill prisoners and prisoners above the age of 70 (undertrial prisoners) as a category under the Under Trial Review Committee (UTRC) and this category along with other categories of prisoners will be identified quarterly as per the Updated Standard Operating Procedure (SOP) on UTRC.

The Member Secretary, NALSA, Shri. S.C Munghate constituted the National Unit with members from NALSA as well as the Supreme Court Legal Services Committee. The National Unit approved the filing of the Writ Petition at the first instance for convicted prisoners who stand convicted by the Hon'ble High courts and who have not yet filed an SLP/appeal against such conviction and who require legal aid.

The petition seeks the Hon'ble Supreme Court's intervention to release persons identified by NALSA under the Special Campaign for Old Prisoners & Terminally Ill Prisoners subject to the satisfaction of the respective Ld. Trial Courts among other reliefs.

The plea references Prison Statistics India 2022, which states that 20.8% of convicts (27,690 prisoners) and 10.4% of undertrials (44,955 prisoners) are aged 50 years and above.

This campaign is a step towards ensuring that the most vulnerable prisoners are not forgotten. Many have served substantial portions of their sentences and suffer from severe health conditions.

The case is titled; NALSA v. Union of India & Ors., has been filed by Ms. Rashmi Nandakumar, AoR and is expected to be listed soon.