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Supreme Court Directs States and UTs to Frame Uniform Policy for Premature Release of Elderly and Terminally Ill Prisoners

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Recent Development:

- The **Supreme Court of India**, in **National Legal Services Authority (NALSA) v. Union of India (2026)**, directed all **States and Union Territories** to formulate and notify a **uniform policy within three months** for the **premature release of elderly and terminally ill prisoners** on humanitarian grounds.
- The judgment seeks to uphold the **constitutional guarantee of dignity under Article 21**, promote compassionate prison administration, reduce prison overcrowding, and establish a transparent, technology-enabled mechanism for considering premature release applications.

Background and Need for the Judgment:

Context:

- The petition was filed by **National Legal Services Authority (NALSA)** after a nationwide campaign identified a significant number of **elderly and terminally ill prisoners** requiring humanitarian intervention.
- The absence of a **uniform national framework** resulted in inconsistent practices among States regarding remission and premature release.
- Many vulnerable prisoners continued to remain incarcerated despite **advanced age, terminal illness, severe disability, or prolonged incarceration**, raising constitutional concerns regarding humane treatment.

Need for a Uniform Policy:

- **Humanitarian considerations, constitutional dignity** require compassionate treatment of vulnerable prisoners.
- **Prison overcrowding, inadequate healthcare** adversely affect elderly and critically ill inmates.
- **Uniform eligibility criteria, transparent procedures** reduce arbitrariness across States.
- **Technology-enabled monitoring, judicial oversight** improve accountability.
- **Legal aid institutions, prison administration** require coordinated functioning for effective implementation.

Supreme Court Directions:

Objective of the Directions:

- Ensure **humane treatment** of elderly and terminally ill prisoners.
- Promote **Article 21**, Article 14 and principles of fair procedure.
- Reduce prison overcrowding through compassionate release.
- Create a **uniform national framework** for premature release.
- Strengthen access to justice through institutional coordination.

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State-Level Policy Framework:

- Every **State and Union Territory** shall notify a comprehensive policy within **three months**.
- The policy shall clearly prescribe **eligibility criteria, procedural safeguards, timelines** and competent authorities.
- Policies shall be framed in consultation with the respective **State Legal Services Authorities (SLSAs)**.

Medical Assessment Mechanism:

- States shall establish **independent Medical Boards** for objective assessment.
- Medical Boards shall evaluate:
 - **Terminal illness.**
 - **Advanced age.**
 - **Severe physical incapacity.**
- Other conditions requiring compassionate consideration.
- Medical certification shall form the basis for processing remission or premature release.

Uniform Definition of Terminal Illness:

- Policies shall adopt a common definition of **terminal illness**.
- The Court permitted adoption of the **UN Office on Drugs and Crime (UNODC) Handbook on Prisoners with Special Needs (2009)** definition.
- Terminal illness refers to a condition where **no reasonable medical intervention can prevent progressive deterioration ultimately leading to death**.

Role of Under Trial Review Committees (UTRCs):

- UTRCs shall periodically examine cases involving:
 - Elderly prisoners.
 - Terminally ill prisoners.
 - Physically incapacitated prisoners.
- Appropriate recommendations may include:
 - Bail.
 - Parole.
 - Furlough.
 - Remission.
 - Premature release.

Time-Bound Decision-Making:

- Authorities shall dispose of applications without unnecessary delay.
- Every decision shall contain **recorded reasons**.
- Decisions shall remain open to **judicial review**.

Digital Governance Framework:

- The **Union Government**, National Informatics Centre (NIC) and States shall operationalise an integrated **e-portal**.
- The digital platform shall provide:
 - Online application processing.
 - Automated alerts.
 - Timeline monitoring.
 - Compliance reporting.

- Supervisory oversight.
- Protection of prisoners' medical privacy.

Compliance Monitoring:

- Centre, States and Union Territories shall submit **compliance affidavits within six months**.
- Reports shall specify:
- Prisoners identified.
- Prisoners granted premature release.
- Pending applications.
- Status of policy implementation.

Constitutional and Legal Foundations:

Constitutional Provisions:

- **Article 14:** Equality before law.
- **Article 21:** Right to life includes dignity, humane treatment and fair procedure even inside prisons.
- **Article 39A:** Equal justice and free legal aid.
- **Article 72:** Presidential power to grant pardon, reprieve, respite, remission and commutation.
- **Article 161:** Similar powers vested in the Governor.

Statutory Framework:

- **Legal Services Authorities Act, 1987.**
- **Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.**
- **Model Prisons and Correctional Services Act, 2023.**
- **Prisoners Act, 1900, Prison Rules and State Remission Policies.**

Status of Prison Overcrowding in India:

Key Statistics (2024):

- India had **1,333 prisons**.
- Total sanctioned capacity stood at **about 4.53 lakh** inmates.
- Actual prison population exceeded **5.11 lakh**.
- National occupancy exceeded sanctioned capacity by more than **12%**.
- More than half of the States and Union Territories reported occupancy exceeding **100%**.

States with Highest Occupancy:

- **Delhi:** 194.6%.
- **Meghalaya:** 163.5%.
- **Jamm& Kashmir:** 148.3%.
- **Madhya Pradesh:** 147.1%.

Improving Trends:

- **Chhattisgarh** significantly reduced overcrowding compared with previous years.
- **Uttar Pradesh** also recorded gradual improvement through infrastructure expansion and administrative reforms.

Implications of Overcrowding:

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- Reduced access to healthcare.
- Spread of communicable diseases.
- Mental health challenges.
- Increased violence inside prisons.
- Difficulty in rehabilitation.
- Greater burden on prison administration.

Government Initiatives to Address Prison Overcrowding:

Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023:

- **Section 479** replaces Section 436A of CrPC.
- First-time offenders completing **one-third of the maximum sentence** become eligible for release on bond.
- Jail Superintendent must initiate the release process without waiting for prisoner applications.

Model Prisons and Correctional Services Act, 2023:

- Replaces the colonial **Prisons Act, 1894**.
- Emphasises **reformation, rehabilitation and reintegration**.
- Introduces provisions for:
 - Electronic monitoring.
 - Modern correctional practices.
 - Vocational development.
 - Prison management reforms.

Model Prison Manual, 2016:

- Standardises prison administration.
- Improves:
 - Medical facilities.
 - Prisoner classification.
 - Skill development.
 - Legal aid access.

Prisons Development Fund (2018):

- Supports modern prison infrastructure.
- Assists States in capacity enhancement.

E-Prisons Project:

- Digitises prison records.
- Integrates prisons with the **Inter-Operable Criminal Justice System (ICJS)**.
- Generates alerts regarding eligibility for bail and release.

Support to Poor Prisoners Scheme:

- Financial assistance for undertrial prisoners unable to furnish bail or sureties.
- Aims to prevent prolonged incarceration due to economic hardship.

National Legal Services Authority (NALSA):

About:

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- Established under the **Legal Services Authorities Act, 1987**.
- Constituted in **1995**.
- Completed **30 years in 2025**.
- **Chief Justice of India** serves as the **Patron-in-Chief**.

Constitutional Basis:

- Gives effect to **Article 39A**.
- Supports implementation of:
 - Article 14.
 - Article 21.
 - Article 22(1).

Major Functions:

- Formulate legal aid policies.
- Coordinate implementation across India.
- Monitor legal services programmes.
- Provide grants to **State Legal Services Authorities (SLSAs)** and eligible organisations.
- Organise legal awareness and legal aid campaigns.

Institutional Structure:

- **NALSA**, Apex body.
- **State Legal Services Authorities (SLSAs)**, Headed by the Chief Justice of the High Court.
- **District Legal Services Authorities (DLSAs)**, Chaired by the District Judge.
- **Taluk Legal Services Committees**, Headed by Senior Civil Judges.
- **High Court Legal Services Committees**.
- **Supreme Court Legal Services Committee**.

Beneficiary Groups:

- Women.
- Children.
- Scheduled Castes.
- Scheduled Tribes.
- Economically Weaker Sections.
- Industrial workers.
- Persons with disabilities.
- Other categories specified under the Act.

UPSC Perspective: Constitutional and Governance Significance:

Governance Dimensions:

- Strengthens **rights-based prison administration**.
- Promotes **human dignity** in criminal justice.
- Improves **Centre-State coordination**.
- Enhances transparency through digital governance.
- Supports evidence-based prison management.

Social Justice Dimensions:

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- Protects vulnerable prisoners.
- Expands access to free legal aid.
- Promotes equitable criminal justice.
- Aligns punishment with constitutional morality.

International Perspective:

- Consistent with:
- **UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules).**
- **UNODC Handbook on Prisoners with Special Needs.**
- International principles of humane custody and proportional punishment.

Challenges in Implementation:

Administrative Challenges:

- Variation in State prison laws.
- Limited prison healthcare infrastructure.
- Shortage of medical specialists.
- Delays in Medical Board certification.

Legal Challenges:

- Balancing humanitarian considerations with public safety.
- Uniform interpretation of eligibility.
- Coordination among multiple authorities.

Technological Challenges:

- Digital infrastructure gaps.
- Data privacy protection.
- Capacity building for prison officials.

Way Forward:

Institutional Reforms:

- Develop uniform national operating guidelines.
- Strengthen prison healthcare systems.
- Expand geriatric and palliative care inside prisons.

Legal Reforms:

- Periodic review of remission policies.
- Greater use of non-custodial measures for vulnerable prisoners.
- Strengthen judicial monitoring.

Administrative Reforms:

- Improve coordination among prisons, Medical Boards, SLSAs and UTRCs.
- Regular training of prison personnel.
- Strengthen rehabilitation and post-release support.

Value Addition for UPSC:

Important Supreme Court Judgments on Prisoners' Rights:

- **Sunil Batra v. Delhi Administration (1978):** Prisoners retain fundamental rights except those lawfully curtailed.
- **Hussainara Khatoon v. State of Bihar (1979):** Recognised the **Right to Speedy Trial** under Article 21.
- **D.K. Basu. State of West Bengal (1997):** Laid down safeguards against custodial abuse.
- **Inhuman Conditions in 1382 Prisons, In Re (2016):** Directed comprehensive prison reforms and improvement of prison conditions.

NALSA v. Union of India (2026): Mandated a uniform compassionate release policy for elderly and terminally ill prisoners, reinforcing that **constitutional dignity does not end at prison gates**.