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Wrongful Conviction In Indian Criminal Justice System

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"I am a person who is unhappy with things as they stand. We cannot accept the world as it is.

Each day we should wake up foaming at the mouth because of the injustice of things."
— Hugo Claus

Trust on the criminal justice system in the assumption that on the guilty will be held accountable for that crimes and the innocent will not be convicted. Unfortunately in the criminal justice system falsely convicted innocent citizen every year. Wrongful conviction are defined as those legal conviction that wrongfully accuse are defined in question. While the actual instance of wrongful conviction is unknown it is estimate that the number of undertrial prisoner increased from 3,71,848 in 2020 to 4,27,165 in 2021(as on 31st December of each year), having increased by 14.9% during this period.

Uttar Pradesh has reported the maximum number of undertrial 21.2 percent 90,606 undertrial in the country followed by Bihar 13.9% 59577 undertrial and Maharashtra 7.41 percent 31,752 undertrial at the end of 2021. [1]The undertrial constitute 78 percent of total jail population. In Mar 2021 the Supreme Court had blame the Uttar Pradesh government not taking any step for the release of undertrial prisoner who jailed for more than 10 year despite the court earlier direction.

According to a 2008 change to the Criminal Procedure Code (CrPC), police are not allowed to detain suspects for any offence for which the maximum punishment is seven years or less unless they have reason to believe that they could run away or threaten witnesses. The apex Court also pulled up the Allahabad High Court for not deciding the bail expeditiously. Even the Prime Minister Narendra Modi also urged to Judiciary to speed up the release of undertrial who where languishing in jail, awaiting for legal aid.

[2] The president Draupadi Murmur also question and put two question that if we are moving towards progress society, why do we require to have more jails? She mean to say that our jails are full because the accused are not aware about their right and they do not get legal aid they require for them. They do not know are their fundamental duties.

According to formal DGO Sulhan Singh, who served as IG (Prison) and also head of panel on prison reform, said an increase number of undertrial, said hundred of them being in jail waiting for bail more than a decade, was a serious reflection on the judiciary system. [2]

The wrongful conviction and the undertrial prisoner which full up the jail must be reviewed. We have an example of Vishnu Tiwari who was convicted in SC/ST Act case and the rape case who was convicted by trial court in 2001 on what the Allahabad High Court has now deemed a false rape case whom he was convicted. A man who came out from the prison after 20 year who unreasonably convicted by the lower court. He had never seen a touch mobile we are having today in his life. He lost his family when he came out even not get the bail for the funeral of their parents. This is something which is miserable in our judicial system. In the case of Babloo Chauhan v NCT of Delhi it was held the practice of wrongful conviction lead to miscarriage of justice and that should be curtailed by legislation through various remedy impact justice fairly and reasonably. [3]

Conviction of an innocent person is breach of Art 21 and 22 under the constitution of India. Article 21 No person shall be deprived of his life or personal liberty except according to procedure establish by law and Art 22 provide safeguard against arbitrary arrest and detention. An aggrieved person ca file a writ petition under Art 226 and 32 of the Constitution , However there is no legislation that provide a remedy for wrongful conviction.

When a person has been convicted for of a criminal offences and when subsequently his conviction has been reversed or the person who has suffered the punishment as a result of such conviction the case of **Bhim Singh Vs State of Jammu and Kashmir** In this case an MLA was arrested unlawfully and detained by police to prevent him from attending a legislature assembly session. This was found to violate his fundamental right to life and personal liberty under Article 21 of the Constitution of India. The SC awarded him 50 thousand for the loss which he has suffered. [4] In another case **Rudal Shah vs State of Bihar** in which a accused was kept in jail for 14 year and later found no charge against him and compensate by Supreme Court. [5]

EARLY RELEASE OF PRISONER

The Covid-19 pandemic was scattered all over the world where the countries of the world are deteriorate situation on the other hand India is trying to protect their citizen even the situation here also not was worse like other countries although people has taken the precaution by having some common medicine at home although when it required they visit to doctor and ask advice online by digital way ,but the challenge comes before us for the prison who were kept in jail under security and they are the duty of the state to protect them.

The committee was constituted under the direction of Supreme court as by observing the circumstance and there is an eminent need to take effective steps to prevent the outbreak in jail for that they ensure the social distance inside the jail by identifying and determine the class/category of prison who once again released on interim bail/ parole.

The committee has laid down 11 categories of Under trial prisoner like those civil imprisonment senior citizen who are facing trial for offence with a max punishment of 10 year jail. Those who are suffering other serious illness and are facing trial for offences with punishment ranging from 10 year to life imprisonment who would be eligible to get interim bail by furnishing the bond.

PROTECTION OF CITIZENS UNDER THE CONSTIUTION OF INDIA

Article 39 Certain principles of policy to be followed by the State: The State shall, in particular, direct its policy towards securing(e) that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength(f) that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation. Art.47 Raise nutrition levels, improve the standard of living and consider improvement of public health as its primary duty.

Article 21 which spoke about the Protection of Life and personal liberty has implicit explanation which cover sanitation, Health and sanitation many more facilities which are necessity of citizen. the Court concluded in **Paschim Banga Khet Mazdoor Samity v. State of West Bengal** that it is the duty of the Government to ensure that every individual has access to sufficient medical care and to work for the welfare of the public at large, thereby expanding the scope of Article 21. On the another case of **Consumer Education and Research Centre v. Union of India AIR,** it was determined that Article 21's basic rights to health and medical assistance to safeguard a worker's health and vitality, both while employment and after retirement, apply.

UNITED NATION STANDARD MINIMUM RULES FOR THE TREATMENT OF PRISONERS

There are the following standard which are put forward by this model laws are:

DISCIPLINE AND PUNISHMENT

27. Discipline and order shall be maintained with firmness, but with no more restriction than is necessary for safe custody and well-ordered community life.

28. (1) No prisoner shall be employed, in the service of the institution, in any disciplinary capacity.

(2) This rule shall not, however, impede the proper functioning of systems based on self-government, under which specified social, educational or sports activities or responsibilities are entrusted, under supervision, to prisoners who are formed into groups for the purposes of treatment.

29. The following shall always be determined by the law or by the regulation of the competent administrative authority:

(a) Conduct constituting a disciplinary offence;

(b) The types and duration of punishment which may be inflicted;

(c) The authority competent to impose such punishment.

30. (1) No prisoner shall be punished except in accordance with the terms of such law or regulation, and never twice for the same offence.

(2) No prisoner shall be punished unless he has been informed of the offence alleged against him and given a proper opportunity of presenting his defense. The competent authority shall conduct a thorough examination of the case.

(3) Where necessary and practicable the prisoner shall be allowed to make his defense through an interpreter.

(4) The medical officer shall visit daily prisoners undergoing such punishments and shall advise the director if he considers the termination or alteration of the punishment necessary on grounds of physical or mental health.

31. Corporal punishment, punishment by placing in a dark cell, and all cruel, inhuman or degrading punishments shall be completely prohibited as punishments for disciplinary offences.

32. (1) Punishment by close confinement or reduction of diet shall never be inflicted unless the medical officer has examined the prisoner and certified in writing that he is fit to sustain it.

(2) The same shall apply to any other punishment that may be prejudicial to the physical or mental health of a prisoner. In no case may such punishment be contrary to or depart from the principle stated in rule 31.

INFORMATION TO AND COMPLAINTS BY PRISONERS

35. (1) Every prisoner on admission shall be provided with written information about the regulations governing the treatment of prisoners of his category, the disciplinary requirements of the institution, the authorized methods of seeking information and making complaints, and all such other matters as are necessary to enable him to understand both his rights and his obligations and to adapt himself to the life of the institution.

(2) If a prisoner is illiterate, the aforesaid information shall be conveyed to him orally.

36. (1) Every prisoner shall have the opportunity each week day of making requests or complaints to the director of the institution or the officer authorized to represent him.

(2) It shall be possible to make requests or complaints to the inspector of prisons during his inspection. The prisoner shall have the opportunity to talk to the inspector or to any other inspecting officer without the director or other members of the staff being present.

(3) Every prisoner shall be allowed to make a request or complaint, without censorship as to substance but in proper form, to the central prison administration, the judicial authority or other proper authorities through approved channels.

(4) Unless it is evidently frivolous or groundless, every request or complaint shall be promptly dealt with and replied to without undue delay.

CONTACT WITH THE OUTSIDE WORLD

37. Prisoners shall be allowed under necessary supervision to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits.

38. (1) Prisoners who are foreign nationals shall be allowed reasonable facilities to communicate with the diplomatic and consular representatives of the State to which they belong.

(2) Prisoners who are nationals of States without diplomatic or consular representation in the country and refugees or stateless persons shall be allowed similar facilities to communicate with the diplomatic representative of the State which takes charge of their interests or any national or international authority whose task it is to protect such persons.

39. Prisoners shall be kept informed regularly of the more important items of news by the reading of newspapers, periodicals or special institutional publications, by hearing wireless transmissions, by lectures or by any similar means as authorized or controlled by the administration.

40. Every institution shall have a library for the use of all categories of prisoners, adequately stocked with both recreational and instructional books, and prisoners shall be encouraged to make full use of it.

RELIGION

41. (1) If the institution contains a sufficient number of prisoners of the same religion, a qualified representative of that religion shall be appointed or approved. If the number of prisoners justifies it and conditions permit, the arrangement should be on a full-time basis.

(2) A qualified representative appointed or approved under paragraph (1) shall be allowed to hold regular services and to pay pastoral visits in private to prisoners of his religion at proper times.

(3) Access to a qualified representative of any religion shall not be refused to any prisoner. On the other hand, if any prisoner should object to a visit of any religious representative, his attitude shall be fully respected.

42. So far as practicable, every prisoner shall be allowed to satisfy the needs of his religious life by attending the services provided in the institution and having in his possession the books of religious observance and instruction of his denomination.

RETENTION OF PRISONERS' PROPERTY

43. (1) All money, valuables, clothing and other effects belonging to a prisoner which under the regulations of the institution he is not allowed to retain shall on his admission to the institution be placed in safe custody. An inventory thereof shall be signed by the prisoner. Steps shall be taken to keep them in good condition.

(2) On the release of the prisoner all such articles and money shall be returned to him except in so far as he has been authorized to spend money or send any such property out of the institution, or it has been found necessary on hygienic grounds to destroy any article of clothing. The prisoner shall sign a receipt for the articles and money returned to him.

(3) Any money or effects received for a prisoner from outside shall be treated in the same way.

(4) If a prisoner brings in any drugs or medicine, the medical officer shall decide what use shall be made of them.

NOTIFICATION OF DEATH, ILLNESS, TRANSFER, ETC.

44. (1) Upon the death or serious illness of, or serious injury to a prisoner, or his removal to an institution for the treatment of mental affections, the director shall at once inform the spouse, if the prisoner is married, or the nearest relative and shall in any event inform any other person previously designated by the prisoner.

(2) A prisoner shall be informed at once of the death or serious illness of any near relative. In case of the critical illness of a near relative, the prisoner should be authorized, whenever circumstances allow, to go to his bedside either under escort or alone.

(3) Every prisoner shall have the right to inform at once his family of his imprisonment or his transfer to another institution

REMOVAL OF PRISONERS

45. (1) When the prisoners are being removed to or from an institution, they shall be exposed to public view as little as possible, and proper safeguards shall be adopted to protect them from insult, curiosity and publicity in any form.

(2) The transport of prisoners in conveyances with inadequate ventilation or light, or in any way which would subject them to unnecessary physical hardship, shall be prohibited.

(3) The transport of prisoners shall be carried out at the expense of the administration and equal conditions shall obtain for all of them.

INSTITUTIONAL PERSONNEL

46. (1) The prison administration shall provide for the careful selection of every grade of the personnel, since it is on their integrity, humanity, professional capacity and personal suitability for the work that the proper administration of the institutions depends.

(2) The prison administration shall constantly seek to awaken and maintain in the minds both of the personnel and of the public the conviction that this work is a social service of great importance, and to this end all appropriate means of informing the public should be used.

(3) To secure the foregoing ends, personnel shall be appointed on a full-time basis as professional prison officers and have civil service status with security of tenure subject only to good conduct, efficiency and physical fitness. Salaries shall be adequate to attract and retain suitable men and women; employment benefits and conditions of service shall be favourable in view of the exacting nature of the work.

47. (1) The personnel shall possess an adequate standard of education and intelligence.

(2) Before entering on duty, the personnel shall be given a course of training in their general and specific duties and be required to pass theoretical and practical tests.

(3) After entering on duty and during their career, the personnel shall maintain and improve their knowledge and professional capacity by attending courses of in-service training to be organized at suitable intervals.

48. All members of the personnel shall at all times so conduct themselves and perform their duties as to influence the prisoners for good by their example and to command their respect.

49. (1) So far as possible, the personnel shall include a sufficient number of specialists such as psychiatrists, psychologists, social workers, teachers and trade instructors. (2) The services of social workers, teachers and trade instructors shall be secured on a permanent basis, without thereby excluding part-time or voluntary workers.

50. (1) The director of an institution should be adequately qualified for his task by character, administrative ability, suitable training and experience.

(2) He shall devote his entire time to his official duties and shall not be appointed on a part-time basis.

(3) He shall reside on the premises of the institution or in its immediate vicinity.

(4) When two or more institutions are under the authority of one director, he shall visit each of them at frequent intervals. A responsible resident official shall be in charge of each of these institutions.

51. (1) The director, his deputy, and the majority of the other personnel of the institution shall be able to speak the language of the greatest number of prisoners, or a language understood by the greatest number of them.

(2) Whenever necessary, the services of an interpreter shall be used.

52. (1) In institutions which are large enough to require the services of one or more full-time medical officers, at least one of them shall reside on the premises of the institution or in its immediate vicinity.

(2) In other institutions the medical officer shall visit daily and shall reside near enough to be able to attend without delay in cases of urgency.

53. (1) In an institution for both men and women, the part of the institution set aside for women shall be under the authority of a responsible woman officer who shall have the custody of the keys of all that part of the institution.

(2) No male member of the staff shall enter the part of the institution set aside for women unless accompanied by a woman officer.

(3) Women prisoners shall be attended and supervised only by women officers. This does not, however, preclude male members of the staff, particularly doctors and teachers, from carrying out their professional duties in institutions or parts of institutions set aside for women.

54. (1) Officers of the institutions shall not, in their relations with the prisoners, use force except in self-defence or in cases of attempted escape, or active or passive physical resistance to an order based on law or regulations. Officers who have recourse to force must use no more than is strictly necessary and must report the incident immediately to the director of the institution.

(2) Prison officers shall be given special physical training to enable them to restrain aggressive prisoners.

Inspection

55. There shall be a regular inspection of penal institutions and services by qualified and experienced inspectors appointed by a competent authority. Their task shall be in particular to ensure that these institutions are administered in accordance with existing laws and regulations and with a view to bringing about the objectives of penal and correctional services

RULES APPLICABLE TO SPECIAL CATEGORIES

PRISONERS UNDER SENTENCE

56. The guiding principles hereafter are intended to show the spirit in which penal institutions should be administered and the purposes at which they should aim, in accordance with the declaration made under Preliminary Observation 1 of the present text.

57. Imprisonment and other measures which result in cutting off an offender from the outside world are afflictive by the very fact of taking from the person the right of self-determination by depriving him of his liberty. Therefore the prison system shall not, except as incidental to justifiable segregation or the maintenance of discipline, aggravate the suffering inherent in such a situation.

58. The purpose and justification of a sentence of imprisonment or a similar measure deprivative of liberty is ultimately to protect society against crime. This end can only be achieved if the period of imprisonment is used to ensure, so far as possible, that upon his return to society the offender is not only willing but able to lead a law-abiding and self-supporting life.

59. To this end, the institution should utilize all the remedial, educational, moral, spiritual and other forces and forms of assistance which are appropriate and available, and should seek to apply them according to the individual treatment needs of the prisoners.

60. (1) The regime of the institution should seek to minimize any differences between prison life and life at liberty which tend to lessen the responsibility of the prisoners or the respect due to their dignity as human beings. (2) Before the completion of the sentence, it is desirable that the necessary steps be taken to ensure for the prisoner a gradual return to life in society. This aim may be achieved, depending on the case, by a pre-release regime organized in the same institution or in another appropriate institution, or by release on trial under some kind of supervision which must not be entrusted to the police but should be combined with effective social aid.

61. The treatment of prisoners should emphasize not their exclusion from the community, but their continuing part in it. Community agencies should, therefore, be enlisted wherever possible to assist the staff of the institution in the task of social rehabilitation of the prisoners. There should be in connection with every institution social workers charged with the duty of maintaining and improving all desirable relations of a prisoner with his family and with valuable social agencies. Steps should be taken to safeguard, to the maximum extent compatible with the law and the sentence, the rights relating to civil interests, social security rights and other social benefits of prisoners.

62. The medical services of the institution shall seek to detect and shall treat any physical or mental illnesses or defects which may hamper a prisoner's rehabilitation. All necessary medical, surgical and psychiatric services shall be provided to that end.

63. (1) The fulfilment of these principles requires individualization of treatment and for this purpose a flexible system of classifying prisoners in groups; it is therefore desirable that such groups should be distributed in separate institutions suitable for the treatment of each group.

(2) These institutions need not provide the same degree of security for every group. It is desirable to provide varying degrees of security according to the needs of different groups. Open institutions, by the very fact that they provide no physical security against escape but rely on the self-discipline of the inmates, provide the conditions most favorable to rehabilitation for carefully selected prisoners.

(3) It is desirable that the number of prisoners in closed institutions should not be so large that the individualization of treatment is hindered. In some countries it is considered that the population of such institutions should not exceed five hundred. In open institutions the population should be as small as possible.

(4) On the other hand, it is undesirable [6]to maintain prisons which are so small that proper facilities cannot be provided.

Our attention has been drawn by President Draupadi Murmur over the and that time Chief Justice of India DY Chandrachud to the issue of regarding the under trial prison population in India, the question is about to that either to require more prison or we need to make serious attempt to mitigate the existing ones, However speedy trial and fair trial form the bedrock of our justice dispensation system, it is heartbreaking that the undertrial constitute 77.1% of the total prison population belong to backward class according to the Prison Statistic India Report,2021.

The entire system is responsible for the sorry state of affairs. Leading the list of reasons for pre-trial imprisonment are unjustified arrests and painfully sluggish police investigations, the magistrates' mechanical use of the remand authority, and the inadequate execution of the legal aid structure. The actions that must be conducted on the ground to allay the worries of the expanding undertrial population can be essentially divided into three categories.

ARREST BASED ON JUSTIFICATION

There is need for a change of the approach of Police personnel towards the exercise of power to arrest. The Supreme Court mandated a "check-list" in the landmark case Arnesh Kumar v. State of Bihar, and cases where the arrest is made in violation of that list repeatedly come before constitutional courts (2014)

In Additional, when a notice of appearance under Section 41A of the CrPC is issued, regardless of whether the accused complies with the notice, it is soon followed by an arrest, negating the intention of the law. As a statutory safeguard against unwarranted arrests for offences carrying a maximum sentence of seven years in prison, Section 41A was introduced in 2009. When a police officer decides not to make an arrest, it is stated that he must instead issue a notice directing the accused to appear before him and assist with the investigation. Particularly in circumstances covered under the guidelines in Arnesh Kumar, the mentality of "first make an arrest, then investigate" needs to alter.

The reason for curtailing the privacy of the accused at first instance to have the presence of the accused in (summon, warrant, Sec.41 CRPC), However the Supreme Court guideline in the Arnesh Kumar should be strictly complies with where arrest is made, it should be justified with actual reason. A uniform Performa also notice under Sec.41A will also act as substantial procedural check on unnecessary arrest. Similar it's time to abandon the habit of custodial investigation following an arrest, the police should only ask for additional custody of the suspect when it is necessary for a thorough and impartial investigation, not always as a matter of routine.

Section 498-A has a questionable place of pride among the statutes that are misused as weapons rather than a shield by irate women because it is a cognizable and non-bailable offence. The court noted that the spouse and his family being arrested in accordance with this provision is the easiest way to harass.

The ruling, and its language, has sparked indignation from both men's rights advocates, for whom the misuse of 498-A has long been a rallying point, and some women's rights campaigners, who claim that popular male opinion - and the Court - overstates the problem. But what about the data?

S.No.	CrimeHead	Years					
		2004	2009	2010	2011	2012	2013
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
21	Dowry Deaths	7026	8383	8391	8618	8233	8083

Guidelines given under Arnesh Kumar Vs. State of Bihar 2014

- No Automatic Arrest Under Sec 498A
- When the police make arrest, they have to follow section 41
- Police has to satisfied itself either the case against the accuse is true.
- Sec 41(1)(b)(ii) stated when the police can arrest that person
  - **(1)** Proper investigation
  - **(2)** Tampering with evidence
  - **(3)** Induce threat or promise

After all that, if police not arrest that person that reason must be written and list send to magistrate. If the magistrate feels that the arrest or release of the culprit is unnecessary or unreasonable. The department action can be taken against the police and contempt of court also make liable

Police can send notice to the accused to present him before as per under Sec 41 CRPC.The guideline given under this case does not specifically about the 498-A but any offence whose punishment is above 7 yr. or maximum 7 year. Sec 57 of CRPC said when a person is arrested that person should be present before the magistrate within 24 hours by excluding the travel time.

S.167CRPC If a person kept detain more than 24 hour the order of magistrate is necessary

PROACTIVE MAGISTRATES AND TRIAL JUDGES

As the accused's initial point of contact after being arrested, the magistrate is crucial in avoiding additional restrictions on their freedom. During the initial production stage and subsequent remand processes, this contact mostly takes place. The procedures take place before the competent trial court after the trial has started. The magistrate is required to assess the validity of the arrest at the time of the initial production before making a decision about remand. The magistrate must make sure that both the arrest itself was lawful and necessary and that the arrest note followed all applicable procedural requirements. Such judicial review of the arrest serves as an institutional safeguard that discourages police from undertaking unjustified detentions. When the magistrate finds the arrest to be justified, the question of remand becomes crucial.

The authority to order remand is used in a routine method, as the former U.U. Lalit, the former chief justice, correctly noted. Since this conduct jeopardizes the accused person's freedom, it ought to be denounced and stopped. One day in jail has a negative impact on people's life. Remand authority must thus be seen as a sacred (which it is) judicial role rather than a mechanical one.

The magistrates and judges are responsible for assisting the undertrials when there is a high percentage of people who lack basic literacy skills or education. The magistrate should make sure the accused is properly represented in the remand case and is informed of his entitlement to petition for bail in order to secure his freedom, among other things, at the time of first production itself.

Furthermore, the prosecution typically demands custody of the accused at bail hearings, claiming an ongoing investigation. However, it is unusual in the courts for a judge to summons the investigative agency to inquire about the status of the investigation for which the accused's custody is being sought.

Inordinate delays in an inquiry should be investigated by district judges, and an independent judicial mind should be applied to determine if the accused's detention is definitely essential for a fair and efficient investigation. Furthermore, many court rulings rejecting bail are not reasoned and appear to follow a standard format.

The CJI recently brought attention to the trial judges' hesitation to issue bail out of concern that they might be "targeted." The mechanical use of the remand authority and the reluctance to release someone on bail both contribute to the growing population of people awaiting trial. Therefore, proactive magistrates and trial judges who safeguard the fundamental right to liberty while striking a balance with the fundamental principles of a fair trial are urgently needed. This would eliminate the requirement for the convicts awaiting trial to petition the constitutional courts for release.

Regarding the trial's delay, it is a fact that cases often take years to establish charges, and even then, the prosecution witnesses are not questioned for months. In a recent instance, the Punjab and Haryana high court granted the accused regular release since the case was adjourned several times after the accusations were filed and just one witness was questioned while the defendant was serving more than two years in prison. If the trial courts use their authority to grant adjournments carefully, such delays can be avoided.

BAIL REFORM

The term “bail” has not been defined in the Code, though is used very often. A bail is nothing but a surety inclusive of a personal bond from the accused. It means the release of an accused person either by the orders of the Court or by the police or by the Investigating Agency. The word “bail” has been defined in the Black’s Law Dictionary, 9th Edn., pg. 160 as: - “A security such as cash or a bond; esp., security required by a court for the release of a prisoner who must appear in court at a future time."

The statutory remedy to secure liberty, bail, is ineffective in three circumstances:

- when the accused is not represented by a legal counsel and is unaware of his right to apply for bail due to a lack of legal literacy that time It is the duty of state to provide legal aid programme, which mandates that officials including police officers, judges, and prison guards notify the accused and provide them with legal assistance, may be strengthened to better address to the situation.

- when the accused is represented but bail is denied mechanically without a reasoned order that can be avoided by the guideline given by the Supreme court in the case of Satender Kumar Antil Vs CBI(2022)

- when the accused is represented by a legal counsel and succeeds in securing bail but is unable to fulfil its terms. It is extreme problem and disappointing for the person who got bail on merit is unable to get out of the prison due to economic constraint. It became complicate situation for the someone who belong to outskirt of the society.

In **Sonadhar v. The State of Chhattisgarh (2022),** the Supreme Court ordered the jail administration to provide information on undertrial inmates who have been granted bail but are still being held without charge. Therefore, the aforementioned information would assist the National Legal Services Authority of India (NALSA) in developing a plan to aid such convicts. It is past time to change the law to eliminate monetary bail, which in a sense punishes poor. According to the circumstances of each case, the courts should have the authority to provide non-monetary bail depending on the nature of the offence, the accused's ability to pay, and other pertinent facts.

Another legislative remedy that appears to be underutilized is Section 436A of the CrPC, which allows the undertrial to be released on bail after serving half of the maximum period specified for the offence. The accused's inability to get legal counsel restricts their capacity to file bail applications under Section 436A. According to the NCRB's 2021 assessment, only 591 of a total of 1,491 undertrial convicts eligible for release under Section 436A may obtain freedom in 2021.

CONCLUSION

Unjust convictions in India are a serious problem that need to be addressed in our nation. Our nation is moving towards a progressive society where we can modernize the laws pertaining to the jail reform that we need. When the CRPC was passed in 1973, it was intended to ensure a speedy disposal of the case. However, there is a problem in society where cases are left open for a long time without a trial and those falsely accused are imprisoned without receiving the just compensation they are entitled to, despite the fact that both the government and the court are aware of their responsibility. We are aware that the rule is bail and the exception is jail, but not every prisoner who is required to have a lawyer pursuant to Article 39A of the Constitution as written has the opportunity to obtain bail, However the court has given a guideline last year in the case of Sonadhar v. The State of Chhattisgarh (2022), the Supreme Court mandated that the jail administration disclose details regarding prisoners who are awaiting trial but have been granted bail but are still being held without charge. As a result, the information mentioned above would help the National Legal Services Authority of India (NALSA) create a strategy to support such convicts and the guideline in what situation the bail can be denied under the case of Satender Kumar Antil Vs CBI(2022).

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