How Sobhraj became a champion of prisoners' rights

The sensational escape of Charles Sobhraj has now been somewhat eclipsed by the success of the Maharashtra police in arresting him. One hopes that Charles Sobhraj will continue, for a while, to be a state guest before he inaugurates another chapter in his war of wits with the custodians of the law.

Curious though it may seem, Sobhraj, a celebrated violator of human rights outside prison, could become a champion of human rights of prisoners inside Tihar jail. He has indeed been one-person commission in Tihar jail, he has been instrumental in partly realising Jawaharlal Nehru’s vision of the fair convictions of Indian jails. Sobhraj wrote super poetic about the condition of prisoners during the British Raj, which‘shackled not just a man’s body but also his spirit. Despite his impassioned rhetoric, he could do as the First Prime Minister of India to reform the Indian jail system. Mrs Indira Gandhi did set up the Mulia committee on jail reforms which submitted a massive report in 1983. The contents of the report remain confidential to this day. Paradoxically, the înmurs for establishment of this commission came from home ministry reports. Mr Justice Krishna Iyer and his Supreme Court brethren in jail cases, especially those initiated by Charles Sobhraj.

In a curious inversion, this vaunted India, this man of all work, became a legislator of India. The nation must salute the Maharashtra police for reinstating the criminals to Indian jails.

The reformatory impact of Charles Sobhraj on Indian jail administration can be gauged from the case where his escape finally resulted in the reformation of Tihar; there will now be fourteen superintendents, five deputy superintendents, 139 head warders and 138 warders. This reorganisation was long overdue; by his daring escape, Sobhraj created conditions in which the voice of some top bureaucrats for imperative changes in prison personnel policy began to be effectively heard.

One only hopes that the nation will not have to wait for another altruistic adventure in escape by Sobhraj to facilitate the implementation of several worthwhile ideas, proposed by the Mulia committee on reform, such as enunciation of a national prisoners policy, creation of an all India prison service, establishment of prison commission, and designing of prison buildings, satisfying standards of sari and fundamento by the National Buildings Organisation.

On August 30, 1978, the Supreme Court delivered a landmark decision. Sobhraj had complained to the Court that he had been put in bar fettlers from July 6, 1976 till February 24, 1978, when the Court ordered the fettlers be removed. For the first time in all the history of the Indian Supreme Court, three judges (Chief Justice Beg, Justices V. R. Krishna Iyer and P. S. Kalia) visited the Tihar jail to see Sobhraj and other prisoners “standing in chains in the yard” with iron on the wrists, iron on the waist, iron on the ankles, and iron to link up firmly riveted at appropriate places, all according to the rules.

Sobhraj did not contest the description that he was a dangerous prisoner; he complained of discrimination. He complained of the overcrowding at Tihar; there will now be fourteen superintendents, five deputy superintendents, 139 head warders and 138 warders. This reorganisation was long overdue; by his daring escape, Sobhraj created the obsolete rule which stated that wearing of a Gandhi cap in jail was an offence; he tongue lashed the executive for denial of access to law to prisoners (the Jail Manual handed to the Court cost Rs. 260.30) and virtually jacked down the chart of prison justice. He had a special word of concern for the prison official, soaked in the Raj past and a word of condemnation for “prisons which breed horror” and of legislative inertia with its “brutal reforms which remain in a teasing illusion and promises of unrealisation.” He declared that jails shall no longer remain “judgament to tearful injustice.”

Undoubtedly, these utterances must have converted the man in a folk hero in Tihar. He became the first constitutionally viable prisoner in India, along with Sunil Batra. Whether the Supreme Court could have carried over the experience only a historian of Tihar could establish.

By Upendra Baxi