**Justice Muralidhar’s Lecture on Judicial Review, Prisons, and Legal Aid**

In a thoroughly enlightening lecture at the National Law School, Justice Muralidhar delivered a thought-provoking analysis of judicial review, the realities of India’s prison system, and the state of legal aid. His address, informed by historical cases, contemporary challenges, and philosophical reflections, shed light on how legal structures often reinforce pre-existing societal systemic injustices rather than dismantle them.

Justice Muralidhar’s lecture urged students, legal professionals, and scholars to rethink the role of courts, prisons, and lawyers in ensuring justice. Justice Muralidhar began his lecture by examining the function of judicial review, particularly in correcting injustices within the prison system. He traced the historical evolution of how Indian courts have interpreted constitutional rights for incarcerated individuals.

For decades, prisons operated as rigid, rule-bound institutions with little constitutional oversight. Justice Muralidhar highlighted that *Prabhakar Pandurang* (1964) was one of the first cases where the Supreme Court ruled that prisoners retain fundamental rights even while serving their sentences. However, the transformation was slow. He rejected the idea that judicial intervention in prisons is "activism." Instead, he argued, such interventions are simply courts doing their constitutional duty at the bare minimum. Ensuring basic human rights in prisons—such as access to books, medical care, and protection from discrimination—should not be seen as extraordinary but as fundamental protections to be secured.

He explained that much of India’s criminal justice framework is inherited from colonial rule. The *Defence of India Rules* and similar statutes gave the state sweeping powers over prisoners. Even today, vestiges of these frameworks remain, limiting the rights of incarcerated individuals. He emphasized that while laws have changed, the administrative cultures within prisons are yet to be fully aligned with constitutional principles.

**The Power of Unwritten Rules in Prisons**

Moving beyond the legal framework, Justice Muralidhar delved into the unwritten codes that govern prison life. While official prison manuals dictate regulations, an informal system of governance—often more powerful than the written rules—shapes the reality of prison life.

One of the most striking examples of this is caste-based discrimination within prisons. Justice Muralidhar cited the research of journalist Sukanya Shanta, who documented how Dalit prisoners are frequently assigned the task of cleaning toilets. This practice, though not written into law, is enforced as though it were a regulation. He shared the story of a young undertrial prisoner from Bihar, who was ordered to clean toilets as soon as authorities learned of his caste, to highlight how prisons reinforce systemic inequalities which exist in the society.

Courts, he argued, must actively dismantle these discriminatory structures. In this regard, he termed the *Sukanya Shanta* judgment to be disruptive, path-breaking and a frontal acknowledgement of Ambedkar’s notions on caste discrimination and equality as expressed in the Constituent Assembly debates.

Justice Muralidhar also discussed the immense discretionary power that prison authorities wield over inmates. Books can be denied, phone calls restricted, and even medical treatment delayed—all at the whims of prison officials. He compared this to broader societal structures, where unwritten rules—such as caste barriers—are often more rigidly enforced than written laws. Prisons therefore become a mere concentrated version of the social realities that exist outside their walls - making this ‘total institution’ into a microcosm of society.

**Prisons as Instruments of Power and Control**

Justice Muralidhar then shifted focus to a deeper philosophical question: Why do prisons exist at all? He drew on Michel Foucault’s *Discipline and Punish*, explaining that prisons are not merely spaces of rehabilitation but instruments of control. Prisons, Justice Muralidhar argued, serve as a tool for managing marginalized populations, keeping them invisible and powerless. To illustrate this, he pointed to the selective denial of books in prisons. Religious texts like the *Bhagavad Gita* and *Ramayana* are often allowed, while political literature is banned. This selective censorship is part of a larger system of control. Prisoners are not meant to question their conditions; they are meant to comply. He argued that the purpose of the carceral system is not justice but submission.

Justice Muralidhar also highlighted how colonial laws—such as the *Habitual Offenders Act*—continue to be used to criminalize entire communities. These laws disproportionately target denotified tribes and marginalized groups, keeping them trapped in cycles of incarceration. In light of this, *Sukanya Shanta* acquires all the more significance given that it, for the first time, undertakes a systematic engagement with Denotified Tribes (DNTs). In doing this, *Sukanya Shanta* de-hyphenates prejudice from law, thereby mounting a frontal attack on the “typecasting” stereotype associated with denotified tribes being habitual offenders.

He pointed out that the *Sukanya Shanta* judgment forces us to confront this uncomfortable reality. He highlighted how the label of ‘habitual offender’ is not about criminal behavior, rather, it is about caste and class prejudice. The judgment does not magically change the system, but it serves as an important first step in recognizing how deep and pervasive these biases run.

**The Crisis of Legal Aid**

Turning to the subject of legal aid, Justice Muralidhar did not hold back in his critique of the system, terming it to be in crisis. He argued that there is a deep public distrust of legal aid services. Given the choice, most people prefer hiring a private advocate, believing that a pro bono lawyer would not fight as hard for them, since their services are for free. Despite these challenges, he insisted that the legal community must find ways to make legal aid work, and inculcate trust in the system as a first major step.

**A Call to Action: Reforming the System**

Justice Muralidhar concluded his lecture with a call to action, emphasizing that systemic change requires sustained effort. He outlined several key areas for reform, and advocated for a stronger engagement from law schools – clinical legal education must be an integral part of legal training, and students must be encouraged to visit prisons and interact with inmates. He also dwelled on the need for a cultural change within the legal profession insofar as lawyers should see legal aid as a professional responsibility rather than charity. Moreover, with respect to judicial oversight, he opined that courts must continue to monitor prison conditions and push for reforms.

His concluding words were a challenge to students and young lawyers: “Prisons are not isolated institutions; they are mirrors of society’s prejudices. If the legal system is to truly deliver justice, it must first acknowledge its own biases—and actively work to dismantle them.”

*This report has been compiled by NLS students Rinoy Innocent (III Year student of 3-Year LLB (Hons) and Malhar Satav (IV Year student of BA LLB (Hons).*