

PROTECTION OF PRISONERS DIGNITY WITH SPECIAL REFERENCE TO THE INDIAN CONSTITUTION

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Abstract: *The idea of treating the prisoners with humanity was from ancient time. During the time of company rule the condition of prisoners was very miserable. After the enforcement of constitution they are given certain rights which are mentioned as fundamental in our constitution. The Supreme Court and the High Courts also tries to ensure those fundamental rights of the constitution through their various judgements. Article 14, 19 and 21 of the constitution are applicable to the prisoners also. So forbidding the prisoners from those fundamental rights will be treated as violation of fundamental rights in the eye of law. But inspite of all these, the prisoners are not getting their basic rights which are necessary for living a human life inside the jail and till today they are suffering inhumanly. If we are unable to provide them the fundamental rights then the purpose of changing the name of the jail into rehabilitation home will be valueless. And we will be also unable to decrease the numbers of criminals and crime in our country. Treating prisoners with dignity is one of the measures to make a crime free nation.*

INTRODUCTION :

The inhuman condition of the prisoners in the prison is one of the burning problems of our country. After Independence constitution was framed and it provides some fundamental rights for the prisoners which the prison authority has to provide to the prisoners without delay. In our country prison are known as rehabilitation home, where the prisoners are kept for rehabilitation and which are necessary for them to lead their daily life inside the prison with dignity. Supreme Court through its various judgements tries to ensure a better rehabilitative surrounding for the prisoners to make them a better human being.

CONSTITUTION PROVISIONS:

“Prison” is a state under list-II of the seventh schedule of the constitution of India. “Prisoners” are those who live inside the prison for commission of some wrong. And prison is the safety place where the under-trial or convicted prisoners are kept.

Constitution on its various provisions says about prisoners rights. Article 14 of the constitution states equal protection of the law. The state shall not deny the equality of any person before the law or the equal protection of the law within the territory of India. Here any person includes prisoners also. Articles 14 give equal protection to the prisoners as any other individual in the society.

On the other hand Article 19 of the constitution has guaranteed to the citizen of India right to freedom. Right to freedom includes many rights, some of them are applicable to the prisoners also. And if any of the mention freedom under article 19(1) is restricted, the restriction must be reasonable or must be for the purposes mentioned in clause 2 to 6 of article 19.

According to Article 21 of the constitution “No person shall be deprived of his life or personal liberty except according to the procedure established by law “. The protection of article 21 is available even to the prisoners in the prison. The imprisonment or convicts are not the reason to deprive them from their entire fundamental rights which they otherwise posses. The prisoners may be deprived of fundamental freedoms like the right to move freely throughout the territory of India or the right to practice a profession. On the other hand the constitution provides to them right to speedy trial, right against handcuffing and many other rights included in article 21.

CASES

In 1966, the Supreme Court stated in state of Maharastra-vs-Prabhakarpanurang judgment that the personal liberty of a detenu, as protected by fundamental rights enshrined in the constitution, cannot be infringed except as laid down by the rule of law. Further, since the 1970s, a new discourse bringing focus on prisoner’s rights was ushered in through the judgments of various High Courts and the Supreme Court. Right to live with human dignity (Maneka Gandhi -vs- Union of India ,Francis Coralie -vs- Delhi Administration), right to speedy trial (KadraPahadiya -vs- state of Bihar, HussainaraKhatoon -vs- state of Bihar),Right to fair trial, right to health and medical treatment (DBM Patnaik-vs- state of Andhra Pradesh , and Sunil Batra-vs- Delhi Administration),right to free legal aid (HussainaraKhatoon-vs- state of Bihar), right to the protection against any restraint like handcuffs,chains (Premshanka -vs- Delhi Administration), protection against ill-treatment and torture in prison (Sheela Barse-vs-state of Maharashtra), right to education, right to reasonable wages for work (Mohammad Giasuddin -vs- state of AP, Dharambir-vs- state of UP), right to have reasonable accommodation (TN Mathur-vs- state of UP, SP Anand -vs- state of MP, relied on Sunil Batra-vs- Delhi Administration) are some of the rights which the higher courts of the country have recognised.

REFORMATORY MEASURES FOR THE PRISONERS

The best treatment to the prisoners can be achieved by the law makers by implementing the rights given to them by prison Act, 1894 and other precedents. The Advocates, social activists and NGO must take some initiative to give free legal aid services and legal assistance to the under trials who are fighting for their survivals in jails to get justice. Maternity help must be provided to female prisoners in jail so that they can carry the child safely. Therapy sessions should be conducted in jails for prisoners in order to ensure that they don't break psychologically inside the prison cells.

CONCLUSION:

“Hate the crime not the criminal” is one of the famous quotation of Mahatma Gandhi, father of our nation, shall be kept in mind while reforming prisoners. A prisoner shall send to prison for the punishment and not as a punishment to deprive his personal liberty and privacy. It is also essential to ensure that prisons do not create hardened criminals.

Every individual citizen have duties to respect and protect constitutional rights .If all the constitutional right which are for the prisoners are provided to them then they can be rehabilitated faster which is very essential for them to live a normal and peaceful life in their future but it is not happening accordingly. So judiciary must look after the matter that whether the facilities stated in the judgment for the prisoners are provided to them or not? The implementing authority or the executive must take effective measures for providing the fundamental right to the prisoners, mentioned in the constitution.

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