

Power of the courts to grant permission to the under trial prisoners to meet certain personal exigencies like appearing for examination, attending the cremation or marriage of a close relative, etc.



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# Introduction

- Nowadays, all the countries have to follow the international law which is in the form of many charters, declarations, covenants, etc. It is now settled worldwide that all the countries should not deny human rights to their citizens. Universal Declaration of Human Rights is a document which provides basic principles of administration of justice. It is declared therein that nobody should be subjected to cruel, inhuman treatment and everyone charged with a penal offence shall be presumed innocent until proved guilty.
- A prisoner is a person who breached the command of law and is kept in jail under the order of the court which is known as judicial custody.

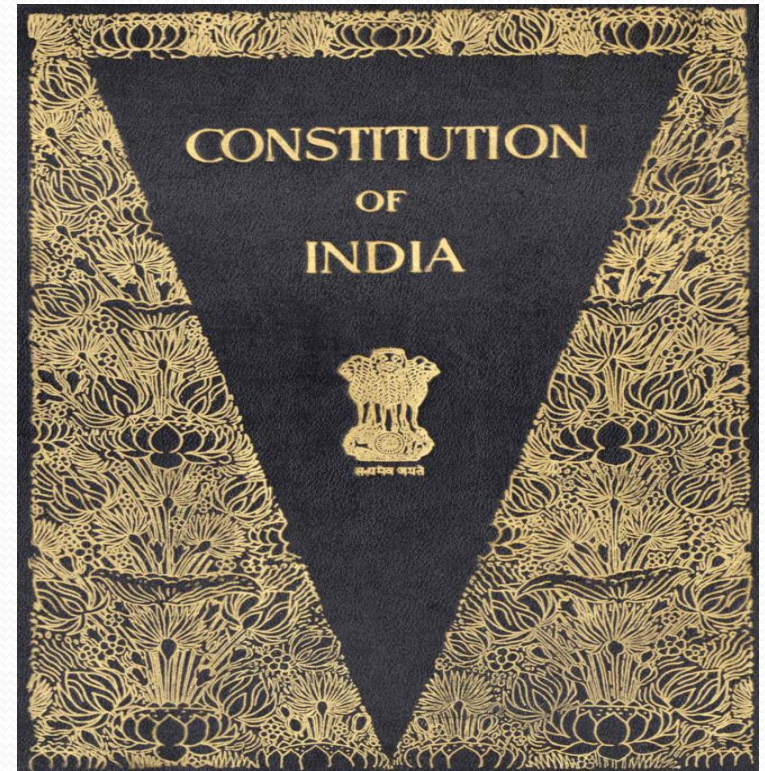
- The prisoner is also known as an inmate. Like other human beings the prisoner has also certain basic rights which cannot be denied to him. These basic rights include the right to take food, clothes, medical facilities, interaction with family members, etc. Obviously, a prisoner is after all a human being and he/she needs his/her basic facilities for survival to be fulfilled.
- The present topic will make everyone including judges aware of the rights, an under trial prisoner can avail under the provisions of law. Undoubtedly, no specific provision of CrPC empowers the courts to grant facilities to an under trial prisoner, nevertheless the courts have to follow the law enunciated by the Supreme Court as the same is binding on all the courts in the Indian territory and that law does so.



# Content

- The Constitution of India provides fundamental rights to all the citizens including the under trial prisoners. Article 14 of the Constitution guarantees right to equality meaning thereby like should be treated alike. The Constitution further guarantees freedoms to all the citizens. Among fundamental rights, the rights provided under Articles 20, 21 and 22 maybe relevant in the case of under trial prisoners.
- There are several Acts like Prisons Act, 1894, Prisoners Act 1990, The Transfer of Prisoners Act 1950, The Prisoners(Attendance in Courts)Act 1955 enacted which categorically provides prisoners many rights such as accommodation, proper clothing, medical facilities, parole, etc.

- The Supreme Court *in re* D.B.M.Patnaik v. State of Andhra Pradesh has held that mere detention does not deprive the convicts of all the fundamental rights enshrined in our Constitution. The Court has further stressed for rehabilitation of prisoners in Hiralal Malik v. State of Bihar.



# Conclusion

- Article 21 of Indian Constitution provides that no person shall be deprived of his life or personal liberty except according to procedure established by law. The life of a human being is not merely animal existence, rather it is something more. Everyone has right to basic necessities for his/her survival. Surely, the courts have to supervise the executive actions lest no one should be deprived of his life and personal liberty. The under trial prisoners are under judicial custody and the courts as guardians have to look after them in the backdrop of the principles evolved through many rulings by Hon'ble Supreme Court. Under this empowerment, the courts direct the concerned authorities to provide certain facilities to the under trial prisoners. The latest case in that respect is of the former Union minister P. Chidambaram to whom the concerned court while sending him into judicial custody directed the jail authorities to provide him facilities to wear clothes of his choice. This type of directions are often heard of on the part of many Indian Courts.

- No doubt, the prisoners cannot be treated like animals. They are like other human beings. They have their fundamental rights which cannot be denied to them in any manner. The law does not allow inhuman treatment to any prisoner. It is the responsibility of the jail administration and the government to provide all basic facilities to the prisoners. According to Jail Manual, the facilities for clean water, fresh food, clothes to wear, etc. are to be provided to the prisoners. The law has so far been established that the courts should empathetically consider the applications seeking facilities in the form of appearing for examination, attending the cremation or marriage of a close relative, etc. moved on behalf of the under trial prisoner.