



*Journal of Advances and  
Scholarly Researches in  
Allied Education*

*Vol. V, Issue IX, January-  
2013, ISSN 2230-7540*

## REVIEW ARTICLE

# HUMAN RIGHTS WITH EMPHASIS ON PRISONER RIGHTS

# Human Rights with Emphasis on Prisoner Rights

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In the past two decades, Human Right Law has attained crucial importance in the universe and as in demand as never before. With the advancement the rights of prisoners have also grown manifold which in past was a discarded and deserted subject.

In ancient India human rights were at the highest pedestal. Rigveda – the oldest document declared that all human beings are brothers and equals. “Vasudhaiv - Kutumbkam” which means , “the entire universe is a family” is not only a slogan of Vedas but a philosophy, the Indians lived and cherished. Humanitarian Law today monitored by the committee of Red Cross, the other side of coin of human rights was also at peak in ancient India. Yudhishtra as per Mahabharata provided maintainance and jobs to the widows and family members of the soldiers who died in war for his kingdom.

With the passage of time, ill effects of caste system, religious orthodoxy and destroying methods adopted by the conquering invaders of different religions and thoughts perturbed and disturbed Vedic philosophy of human rights. As early as in 1215 the Magna Carta produced a kind of minimal human rights by the king John of England. After Hitler's horrendous massacre of human and human rights, a new awaking led to the formation of United Nations Organization and its major achievement was the Universal Declaration of Human Rights (December 10, 1948). These declarations influenced the framers of our constitution and most of them were incorporated in our constitution which gave a socialist, secular, democratic republic. Due to mafia control of the power notwithstanding the wider interpretation given by the apex court from time to time, defect to colonial rule hold the filed.

It shocks one to learn that the law having been declared in 1974 i.e. before 38 years in Madhav Hoskot's case that it is the duty of the State and Superintendent Jail to ensure the filing of appeal of an indigent convict in limitation period, free of cost and to provide free legal aid of choosing. But if a research is conducted , it will reveal that millions of appeals have not been filed of indigent prisoners and if filed that too by brief less and learners. Since Raj to Republic and there after the conditions of prisons and prisoners have not improved as ought to have despite the undisputed fact that most of our leaders in power have tasted the agonies of prison system in India.

Gone are the days when U.N. Minimum Standard Rules for the Treatment of Prisoners had only persuasive value but after Vishakha's case, international rules to services as career services and specialized and should not be seconded from other services. Delhi prisons Act, 2002 in its Preamble guarantees the minimum standards of treatment of prisoners thus accepting the U.N. Minimum Standard Rules for the Treatment of Prisoners yet the present Act pays homage to the basic rules contained in the U.N. Minimum Standard Rules for the Treatment of Prisoners. Till date, all the higher posts are manned by the deputationists which is violative of the right of the prisoner to be cared by the specialized staff.

In 1994, United Nations High Commissioners for Human Rights established a Human Rights 'Hot Line' and its services are available around the clock in Geneva to monitor and to react to human rights violations. The main treaties and customary International Law having the character of binding nature include the Charter of United Nations; International Covenant on Economic, Social and Culture Rights , International Covenant on Civil and Political Rights , Covenant on Rights of the child, Convention against Torture and other cruel , inhuman , degrading treatment of punishment , International Convention on elimination all forms of racial discrimination , Conventions on Prevention and Punishment of crime of Genocide etc. Deteriorating environmental conditions responsible for global warming and depleting Ozone layer forced the international community to rethink about choosing “Life’ or ‘ Death’ and resulted in many meaningful legislations. The International human rights NGOs have direct access to the U.N. Commission on Human Rights and Amnesty International is the prominent NGO which is primarily concerned with impartial protection of human rights world wide. The National Human Rights Commission Act contains the provisions of encouraging NGOs in the field of Human Rights. Other enactments for older persons, disabled, women, intellectual property and for children which forced Indian Govt. to legislate on the above subjects is also the significant achievement of U.N.O.

The Preamble of Indian Constitution is the mother of human rights and is the flood light illuminating the path to be pursued by the States. In 2-G scam case,

the apex court added a new jewel in the crown of the Preamble. Fundamental rights and Directive Principles have been given wider meaning by the Supreme Court of India from time to time and Menaka Gandhi's case is a landmark one. D.K. Basu's case was another landmark in criminal jurisprudence to control, restrict and punish illegal human rights violation by police. Much earlier to the Right to Information Act, 2005, in Rajnarian's case Justice Mathew declared the law of the land better than the present Act.

Prisoners have been ensured various valuable rights in the U.N. Minimum Standard Rules for the Treatment of the Prisoners from admission to release and after care. Right to know to the prisoners was enlarged by the apex court in Batra's case much prior to the RTI act. Right to silence during interrogation, right against torture , right to compensation , right against handcuffing and fetters , right to legal aid of choosing, right to probation and rights of juveniles , right to health , bail and speedy trial , safe guards in prison offenses , right to parole, furlough , remission and release of indigents on personal bonds, open prisons , after care and wages etc. Disparity in sentences gives a cause to believe the victimization of a Judge's prejudice, is the main resistant to corrective principles as well as discipline in jail. The law of the land is not often followed by the trial courts necessitating thereby the jury system prevalent in other contrary.