

Injustice Towards Prisoners And Lack Of Proper Communication Access To The Outside World, Especially During Covid-19 In India

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INTRODUCTION

The term prisoner stands for any person who has been taken into custody in prison or jail for any act committed by him/her that is prohibited by the law of the land. When detainees are imprisoned, they have the same rights as anyone else. Prisoners are guaranteed fundamental legal rights that cannot be taken away from them. These rights are given to them as per the Constitution of India, the Prisons Act of 1894, and many others. The Supreme Court has highlighted that a prisoner, whether convicted, under trial, or detained, does not cease to be a human being and that, while incarcerated, he is entitled to all of his fundamental rights protected by the Indian Constitution, including the right to life. Even if a person is convicted and deprived of his liberty in accordance with the law, a prisoner retains the remainder of his fundamental rights².

In *Bhuvan Mohan Patnaik v. the State of AP*, it was held by the Supreme Court that “Convicts are not, by mere reason of the conviction denuded of all the Fundamental Rights which the other-wise possess”³. Another case that asserted that prisoners should not be deprived of their rights is *R.D. Upadhyay v. the State of AP*, it was said that “the right to fair treatment and the right of judicial remedy are pre-requisites of prison justice administration”⁴.

Every human deserve to be treated equitably, decently, and eloquently. Everyone holds the fundamental rights enshrined under the Constitution of India regardless of a person's status, nature, caste creed, or even if the individual is behind bars. Various rights under Articles 14, 19, 20, 21, and 22 of the Constitution of India have been provided to the prisoners. The right to equality under Article 14, ensures “equality before the law and equal protection of the laws to all persons”. Article 21 deals with “the right to life and

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² <https://legaldesire.com/rights-prisoners-indian-law/>

³ 1974 AIR 2092

⁴ AIR 1999 SC 2183