

IN THE SPECIAL COURT FOR THE TRIAL OF NIA CASES, ERNAKULAM

Present: Sri. Anil.K.Bhaskar, Judge for NIA Cases

Saturday the 3rd day of June, 2023/ 13th Jyaishtha, 1945

Crl.M.P. No.225/2023

In

S C No.2/2023/NIA/KOC

Petitioner/Accused

1. Fayas, RMF Manzil, Behind Jamat Mosque
Thottupalam, Chadanamkurussi, Nurani Post,
Palakkad District, Kerala.
2. Riyas, 4/288, Opposite Rahman Flour mill,
Pezhukkara, Pallipuram Post, Pirayiri, Palakkad
District, Kerala
3. Akbar Ali, Behind Suraj Dry Fruits, Pezhumkara,
Pallipuram Post, Palakkad District, Kerala
4. Abbas, 3/526, Sankhuvarathode, Near mosque,
Kalpathy, Palakkad District, Kerala
5. Ashraf.K, 13/379, Kundukattil House,
Paruvakkadavu, Pattambi, Palakkad, Kerala

**Represented by Adv. P.C Noushad,
Adv.Muhammed Rifa, Adv. Abdul Latheef,
Adv.Abdu rahiman.P.K.**

Respondent/Complainant : National Investigation Agency, Kochi.

**Represented by Adv. Ajith Kumar.S, (Special
Public Prosecutor), Adv. Sreenath.S (Public
Prosecutor)**

This petition coming on for hearing before me on 03.06.2023 and the Court on the same day passed the following:

ORDER

1. The petitioners five in number are the under trial prisoners in the judicial custody of this court in the above case, detained in Central Prison, Thiruvananthapuram. They moved the present petition upon their physical production before this court on 02.05.2023.

2. The copy of the petition served to the Prosecutor. A report was called for from the Jail Superintendent.

3. Petitioners would submit that they are detained in Block No.8 of the Central Prison in a most inhuman atmosphere. The rooms in the said block are too small. It is not possible to accommodate more than two inmates. Its length and breadth is just 10 feet x 6 feet. But now almost 4-5 persons are accommodated in a single room. This room is having an attached bathroom having only a half door. If one has to go to toilet other inmates have to stand to the opposite side and cover the toilet. From the very same room one has to take food. Night hours is really the visiting time for snakes, rat etc. For the last five months the petitioners are continuing with all these sufferings and it amounts to denial of basic human rights of the inmates. This constitute the main part of the allegation. They have also raised complaints of mental harassment from the side of some convicted prisoners.

4. The Jail Superintendent in his report, though denied the allegations in the complaint, did admit his constraints due to overcrowding of the jail, lack of sufficient number of trained employees etc., which creates a serious challenge in the administration of the jail.

5. The issue involved relates to "human rights". As per "Protection of

Human Rights Act 1993" (Act 10/94), Human Rights Commission's were constituted both at the national level and at the state level. The commissions are empowered to enquire violation of human rights, negligence in the prevention of such violation by public servant and to intervene in any proceedings involving any allegation of violation of human rights pending before a court with approval of such court. Further, notwithstanding anything contained in any other law for the time being in force, the commission is empowered to visit any jail where persons are detained, for the study of the living conditions of the inmates thereof and make recommendations thereon to the Government.

6. As observed earlier, the core issue involved herein relates to the human rights of the prison inmates and this issue can be better handled by the Human Rights Commission. Petitioners when produced today before this court on VC submitted that, if permitted by the court, they shall prefer a complaint to the State Human Rights Commission.

7. In this given set of facts, the request made by the petitioners is allowed and this court record its approval under Section 12 (b) of Act 10/94 for the intervention of the Human Rights Commission into the allegations of violation of human rights raised by the petitioners herein which is the subject matter of the above petition. The petitioners are permitted to approach the State Human Right Commission to redress the grievances of the prison inmates of Central Prison, Thiruvananthapuram including the matters raised before this court.

In the result, petition disposed of as follows:-

- a) The petitioners are permitted to approach the State Human Right

Commission to redress the grievances of the prison inmates of Central Prison, Thiruvananthapuram including the matters raised before this court.

- b) This court record its approval under Section 12 (b) of Act 10/94 for the intervention of the Human Rights Commission into the allegations of violation of human rights raised by the petitioners herein which are the subject matter of the above petition.
- c) Issue free copy to both sides.
- d) Forward a copy to the petitioner via email through the Jail Superintendent, Central Prison, Thiruvananthapuram.

Dictated to the Confidential Asst., typewritten by her directly to computer system, corrected and pronounced by me in open court on this the 03rd day of June, 2023.

Sd/-
Anil K Bhaskar
Judge, Special Court for NIA Cases.

Appendix : Nil

Id/-
Judge, Special Court for NIA Cases.
(By Order)

// True Copy //

Sd/-
Sheristadar