

ABSTRACT

HARBORING AN OFFENDER

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Human life, rights and rules and regulations go in a straight line. Whenever someone tries to swerve from this line, it leads to a legal action against him. An offender is someone, who is convicted of creating disturbance (which may be may be civil or criminal in nature) in the society and is confined in a prison so that he can be 'ameliorated'.

During this process of amelioration, there are certain rights of the offender, which are suspended while he undergoes the sentence. One of such rights is the freedom to move freely. An offender is considered to be an enemy of the state as well as the citizens, which is the reason why one of the parties in criminal cases is the state.

Mahatma Gandhi said, what is morally wrong cannot be legally right. Providing shelter to the enemy of the state is morally wrong. It is an encouragement for him to repeat the crime committed. The act of providing shelter to an offender is called 'Harboring'; it is defined under section 52 of The Indian Penal Code as "supplying a person with shelter, food, drink, money, clothes, arms, ammunitions, or means of conveyance, or assisting a person by any means, whether of same kind as those enumerated in this section or not, to evade apprehension." Many sections of the Indian Penal code deal with the act of harbouring an offender. Each of those sections would be dealt with, in this paper.