

General Studies – 2; Important aspects of governance, transparency and accountability

Prison Reforms in India

1) Introduction

- In the words of Nelson Mandela, “a nation should not be judged by how it treats its highest citizens, but its lowest ones”.
- Prisons in India, and their administration, is a state subject covered by item 4 under the State List in the Seventh Schedule of the Constitution of India. But they have been in general overlooked and ill maintained.

2) Need for Prison Reforms

- Prison reform is necessary to ensure that human rights of prisoners are protected and their prospects for social reintegration are increased.
- Prisons are not isolated from the society and prison health is public health. It is important to provide adequate health facilities.
- For protecting the rights of inmates with mental health-care needs.
- Most recent statistics reveal that over 67 percent of the prisoners are under-trials and may continue to be held in overcrowded prisons for years. This makes them one of the weakest sections of society.

3) Present Status and Analysis

- Overcrowding of prisons, under trials, custodial violence all are the gross violations of human rights.
- Prisoners' health conditions deteriorate in prisons which are overcrowded, where nutrition is poor, sanitation inadequate and access to fresh air and exercise often unavailable.
- Prison staffs are also vulnerable to most of the diseases of which prisoners are at risk.
- Imprisonment disproportionately affects individuals and families living in poverty.
- When a member of a family is imprisoned, the disruption of the family structure affects relationships between spouses, as well as between parents and children
- When released, often with no prospects for employment, former prisoners are generally subject to socio-economic exclusion.
- According to the NCRB 1.2% of the prisoners have mental illness and they are being ill treated and discriminated and deprived of their right of good health.
- Poverty: Many prisoners are unable to execute bail bonds or provide sureties.
- Little public scrutiny in jails provides the possibility of violation of basic rights.
- Most of the installed CCTV cameras are not functioning in prisons.

4) Way Forward

- Union Home Ministry have developed a model prison Manuel 2016 in alignment with UN resolutions.
- Prisons should have reformative approach rather than retributive one. Basic human rights of the prisoner should be protected and be given another chance to live a meaningful life.
- Fill up vacancies and augment the staff strength across criminal justice wings.
- Financial assistance to NGOs working for the rehabilitation of prisoners and community-based alternatives to imprisonment for offenders convicted for relatively minor offences.

- Qualified health professionals — independent of the prison administration — are essential to provide services to inmates.
- Prison and Jail Overcrowding Commission: Should meet regularly and dispose of any prison related issue.
- Ensuring Accountability of Police - any crime like custodial violence must be fast tracked within specified time period through Independent investigation Agency
- Inculcation of scientific method of investigation in Police force and curtailing the practice of third degree torture
- Strict Implementation of DK Basu case guidelines as well as NHRC guidelines by States.
- The Supreme Court ordered the Centre and the States to install CCTV cameras in all the prisons in the country. Regular monitoring and functioning is required
- The women prisoners should be treated more generously and allowed to meet their children frequently.
- The prison legislation should make provision for remedy of compensation to prisoner who are wrongfully detained or suffer injuries to negligent acts of the prison personnel.

