



**General Studies-2; Topic: Important aspects of governance, transparency and accountability, e-governance- applications, models, successes, limitations, and potential; citizens charters, transparency & accountability and institutional and other measures.**

## **Reducing India's Prison Footprint**

### **Introduction**

- **At the Constitution Day celebrations, the President Droupadi Murmu highlighted that prisoners were often unaware of their fundamental rights and had been incarcerated for prolonged periods for minor offences, while their families were unable to bail them out.**
- President Murmu emphasised how the judiciary, executive, and legislature must work together to help them.

### **Recent Issue**

- Delhi Development Authority (DDA) is constructing a district prison complex in Narela.
- The prison administration has incorporated stringent security measures in the design.
- French philosopher Michel Foucault has extensively written about how the architecture of prisons is often used as a tool to torture, and break the souls of inmates.
- Delhi prison administration is essentially creating solitary confinement which will have a severe detrimental effect on prisoners' mental health.

## 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.

## Prisons Governance in India

- 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.
- Prisons in India are governed by the Prisons Act, 1894, a colonial legislation that treats prisoners as sub-par citizens and provides punishment to be retributive, rather than rehabilitative.
- These laws are also highly casteist and remain largely unchanged since they were drafted by the British.
- For example, some jail manuals continue to focus on purity as prescribed by the caste system and assign work in prison based on the prisoner's caste identity.

## Present Status

- Dalits and Adivasis are over-represented in Indian prisons.
- Legislations such as the Habitual Offenders Act and Beggary Laws allow the police to target them for reported crimes.
- The primary reason why prisons are overcrowded is that India has not done enough to truly prevent crime.
- Prisoners' health conditions deteriorate in prisons which are overcrowded, where nutrition is poor, sanitation inadequate and access to fresh air and exercise often unavailable.
- Imprisonment disproportionately affects individuals and families living in poverty.
- When released, often with no prospects for employment, former prisoners are generally subject to socio-economic exclusion.

## Way Forward

- **In the words of Nelson Mandela, "a nation should not be judged by how it treats its highest citizens, but its lowest ones".**
- Progress is antithetical to setting up prisons, and we must address congestion in prisons in non-carceral ways.
- These could include releasing unwell or old inmates, reducing penalties, allowing bail at affordable costs, employing anti-carceral ways of holding people accountable for their crimes, and expediting trials.
- **Our approach to crime should be preventive, rather than reactive.**
- Instead of investing thousands of crores in finding "state-of-the-art" ways to cage and harm people, the state should reflect on the soul of India's Constitution which imposes welfare obligations on the state.
- **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.
- Inculcation of scientific method of investigation in Police force and curtailing the practice of third-degree torture.