

Social Justice: Prison reforms and Roy committee.

GS Paper 2: Government policies and interventions for development in various sectors & issues arising out of their design & implementation; important aspects of governance; Accountability, institutional and other measures.

IN NEWS:

The Supreme Court constituted a three member committee headed by former SC Judge Justice Amitava Roy to look into issues of reforms in prison administration and prison management.

Prison reforms

Prison and Asylums Reform is the attempt to improve conditions inside prisons, establish a more effective penal system, or implement alternatives to incarceration. In modern times the idea of making living spaces safe and clean have spread from the civilian population to include prisons, on ethical grounds which honour that unsafe and unsanitary prisons violate constitutional (law) prohibitions against cruel and unusual punishment. In recent times prison reform ideas include greater access to legal counsel and family, conjugal visits, proactive security against violence, and implementing house arrest with assistive technology.

WHY PRISON REFORMS ARE NECESSARY?

Many undertrial prisoners, meaning we do not know whether they committed any crime at all.

Appalling absence of medical facilities in jail, especially for women prisoners.

Undertrials work in the kitchens of almost all the prisons of the State without remuneration.

Prison punishments awarded with discretionary powers without supervision by an appellate body.

There is no formal mechanism for the care and treatment of aged prisoners.

Prisoners have little access to justice since there is no mechanism for a prisoner to meet his lawyer.

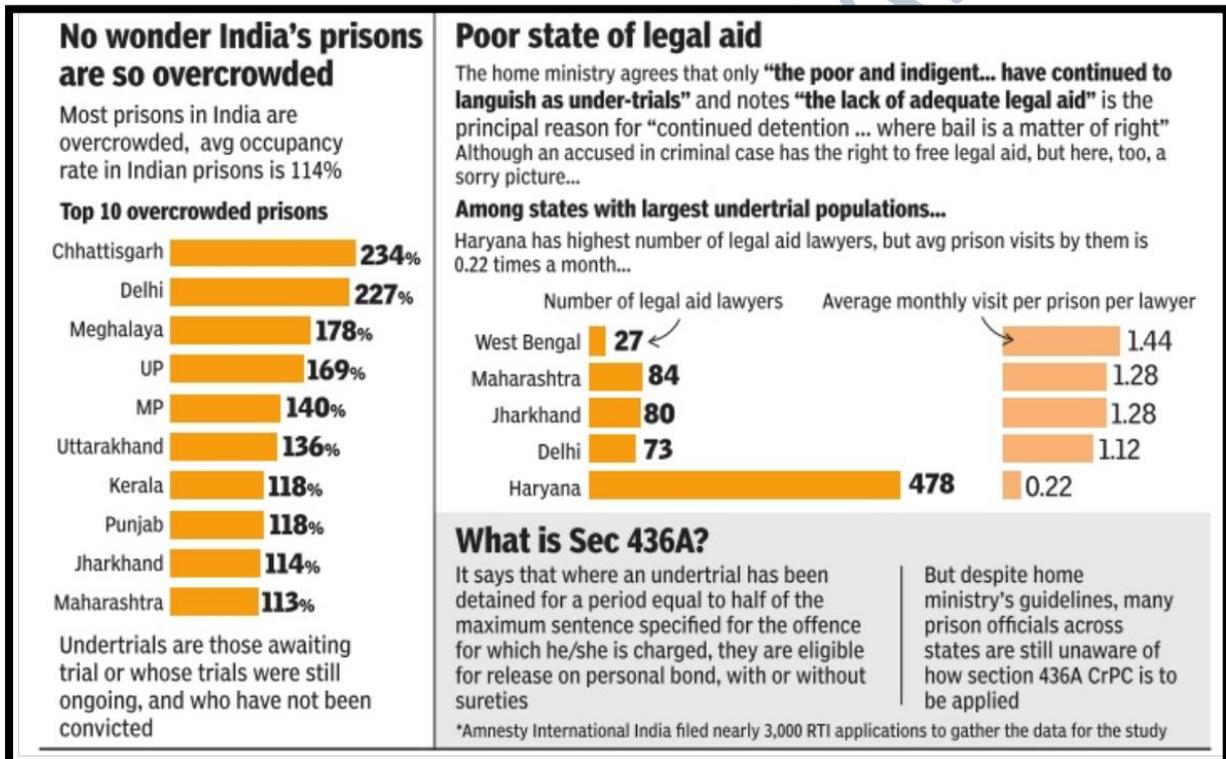
Prisons are overcrowded & there is no separation of offenders of serious offences & minor offences.

Justice Amitava Roy Committee

- Issuing a slew of directions, the Bench has directed the committee to examine the extent of overcrowding in prisons and correctional homes and recommend remedial measures, including an examination of the functioning of Under Trial Review

Committees, availability of legal aid and advice, grant of remission, parole and furlough.

- The panel would also probe the reasons for violence in prisons and correctional homes and recommend measures to prevent unnatural deaths and assess the availability of medical facilities in prisons and correctional homes and make recommendations.
- The committee has been asked to recommend steps for the psycho-social well-being of minor children of women prisoners, including their education and health.
- It would assess the availability and inadequacy of staff in prisons and correctional homes, suggest training and educational modules for the staff and assess the feasibility of establishing open prisons.



Prisons in India

- Prison establishments in India comprise 8 categories of jails. The most common and standard jail institutions are Central Jails, District Jails and Sub Jails. The other types of jail establishments are Women Jails, Borstal Schools, Open Jails and Special Jails.

ACHIEVERS IAS ACADEMY

- As of 31 December 2014, there are 1387 functioning jails in India having a total capacity to house 356,561 prisoners. As of the same date, there were 418,536 inmates in jails across in India. Males at 400,855 make up 95.8% of prisoners while females at 17,681 represent 4.2%. As of 31 December 2015, there are 1401 functioning establishments/institutions in India housing a total of 419,623 inmates, which includes pre-trial detainees and remand prisoners. The remand prisoners and pre-trial detainees account for 67.2% of the prison population in India.
- Prison condition in India are bad and unhealthy as they are “frequently life threatening” and do not meet international standards. Prisons were severely overcrowded with an occupancy rate of 114%. Prison lacks so much funding that in some areas occupancy level is as high as 277%; almost three times the permitted capacity.

Attempting prison reforms so far

- The situation of the prisons in our country came into focus in the early 1980s, when as part of the National Police Commission K.F. Rustomji highlighted prison conditions and the plight of undertrial prisoners.
- Activists such as Sheela Barse filed public interest litigation petitions on custodial conditions, and judges like Justice P.N. Bhagwati and Justice V.R. Krishna Iyer passed landmark judgments.
- The government has set up working groups, committees and commissions to investigate the issue and offer solutions. The more important among them were the Justice Mulla Committee Report on Prison Reforms (1982-83) and the Justice Krishna Iyer Committee on Women Prisoners (1986-87).
- The latest Draft National Policy on Prison Reforms and Correctional Administration, 2007, prepared by the Bureau of Police Research and Development (BPR&D), is but old wine in a new bottle. The draft policy includes suggestions for some welcome changes to the Prisons Act of 1894.

Questions

1. Not only prisons, but the entire criminal justice system needs to be revamped. Critically Analyse.