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SC Panel Recommendations on Prison Reforms

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Why in News

The Supreme Court appointed **Justice Amitava Roy (retd.) Committee** has given recommendations to reform prisons.

The Court **appointed the Committee in 2018** to examine the various problems plaguing prisons, from overcrowding to lack of legal advice to convicts to issues of remission and parole.

Problems Highlighted

- **Indian jails over-occupied**
 - A total of 1,341 prisons were functional in India as on 30th November, 2018. The total population of prisoners in India was 4.68 lakh against total sanctioned strength of 3.83 lakh.
 - From 2016 to 2018, the total prison population in India has increased by 8.2% against an increase of 0.7% in the prison sanctioned capacity.
 - Seven states, namely Uttar Pradesh, Madhya Pradesh, Chattisgarh, Uttarakhand, Sikkim, Meghalaya and Delhi have an occupancy rate of 150%.
- **Huge number of undertrials**
 - Most of the prisons are full of undertrial prisoners, their numbers being highly disproportionate to those of convicts (declared guilty).
 - An undertrial is a person who is being held in custody awaiting trial for a crime.
- **Shortage of Prison Staff**
 - The Prison Department has a perennial average vacancy of 30%-40%. This hinders implementation of Model Prison Manual and various jail reforms.
 - Physical production of an accused for a trial in a court remains far below the aspired 100% in several States, mainly because of unavailability of sufficient police guards for escort and transportation.
- **Unhygienic Food**

The preparation of food in kitchens is “primitive and arduous”. The kitchens are congested and unhygienic and the diet has remained unchanged for years now.

Key Recommendations

- **For overcrowding**
 - **Speedy trial:** Speedy trial remains one of the best ways to remedy the unwarranted phenomenon of overcrowding.
 - **Lawyer to prisoner ratio:** There should be at least one lawyer for every 30 prisoners, which is not the case at present.
 - **Special courts:** Special fast-track courts should be set up to deal exclusively with petty offences which have been pending for more than five years. Further, accused persons who are charged with petty offences and those granted bail, but who are unable to arrange surety should be released on a **Personal Recognizance (PR) Bond**.
 - **Avoid adjournment:** An adjournment should not be granted in cases where witnesses are present and the concept of plea bargaining, in which accused admits guilt for a lesser sentence, should be promoted.
- **For prisoners**
 - **Accommodative Transition:** Every new prisoner should be allowed a free phone call a day to his family members to see him through his first week in jail.
 - **Legal aid:** Providing effective legal aid to prisoners and taking steps to provide vocational skills and education to prisoners.
 - **Use of ICT:** Use of video-conferencing for trial.
 - **Alternatives:** The courts may be asked to use their "discretionary powers" and award sentences like "fine and admonition" if possible instead of sending the offenders to jails.

Further, courts may be encouraged to release offenders on probation at pre-trial stage or after trial in deserving cases.
- **Filling Vacancies**

The Supreme Court should pass directions asking authorities to start the recruitment process against permanent vacancies within three months and the process should be completed in a year.
- **For Food**

Modern cooking facilities and canteens to buy essential items.

Note

- **'Prisons/persons detained therein' is a State subject** under Entry 4 of List II of the Seventh Schedule to the Constitution of India. Administration and management of prisons is the responsibility of respective State Governments. However, the Ministry of Home Affairs provides regular guidance and advice to States and UTs on various issues concerning prisons and prison inmates.

- **Article 39-A of the Constitution** directs the State to ensure that the operation of the legal system promotes justice on a basis of equal opportunity and shall, in particular, provide free legal aid by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.

Right to free legal aid or free legal service is an essential **fundamental right guaranteed by the Constitution**. It forms the basis of reasonable, fair and just liberty under **Article 21 of the Constitution of India**, which says, “No person shall be deprived of his life or personal liberty except according to procedure established by law”.

- A **Personal Recognizance (PR) bond** is also known as Own Recognizance (OR) bond, and sometimes referred to as “no cost bail”. With this type of bond, a person is released from custody and is not required to post bail. They are, however, responsible for showing up on their specified court date, and must sign a release form stating this promise in writing. The person is then released from custody based on their promise to appear in court and abide by any conditions of release set by the court.

Source: TH