



## Prison Reforms

**For Prelims:** 57<sup>th</sup> All-India Conference of Director Generals/ Inspector Generals of Police, National Data Governance Framework, Criminal Justice System, National Crime Records Bureau (NCRB)-Prison Statistics India, Custodial rapes, Amitava Roy (retd.) Committee.

**For Mains:** Status of Prison Administration in India, Issues Related to Prison in India.

### Why in News?

Recently, the Prime Minister suggested [prison reforms](#) to improve jail management and recommended repealing obsolete criminal laws, at the 57<sup>th</sup> All-India Conference of Director Generals/ Inspector Generals of Police, organised by the Intelligence Bureau (IB).

### What are the Key Highlights of the Prime Minister's Address?

- He emphasised on the importance of [National Data Governance Framework](#) for the **smoothing of data exchange, across agencies.**
  - Also, making the police forces more sensitive and training them in emerging technologies.
- He talked about **leveraging technological solutions like [biometrics](#) etc.**, and the need to further strengthen traditional policing **mechanisms like foot patrols.**
- He also emphasised on **enhanced cooperation between the [State Police and Central Agencies](#)** to leverage capabilities and share best practices replicating the model of the **DGsP/IGsP Conference at the State/district levels**, for discussing emerging challenges and evolving best practices among their teams.

### What is the Status of Prison Administration in India?

- **About:**
  - **Prison administration is an important component of the [criminal justice system](#).** There is a paradigm shift in social viewpoint towards prisoners in the last century.
    - Earlier system of prison with a **punitive attitude** where inmates were forcibly confined and deprived a variety of freedom as a form of punishment has changed with a change in social perception towards **prison and prisoners.**
  - It is now treated as a **correction or improvement facility** which itself indicates that there is more emphasis on reformation of prisoners than to punish them.
- **Structure of the Criminal Justice System in India:**
  - The **Indian Criminal Justice System** is composed of government agencies that enforce the law, adjudicate crimes, and correct criminal behaviour.
  - It has four subsystems:
    - **Legislature (Parliament)**
    - **Enforcement (Police)**
    - **Adjudication (Courts)**
    - **Corrections (Prisons, Community Facilities)**
- **Issues Related to Prison in India:**

- **Pendency of Cases:** As per the records of 2022, over **4.7 crore cases are pending in Indian courts across different levels of the judiciary.**
  - Also, according to [National Crime Records Bureau \(NCRB\)-Prison Statistics India](#), 67.2% of total prison population in India comprises trial prisoners.
- **Colonial Nature and Obsolete Laws:** Both substantive and procedural aspects of the Indian criminal justice system were designed with the **purpose of ruling the nation in British colonial times.**
  - In light of this, the relevance of these **19<sup>th</sup> century laws is debatable in the 21<sup>st</sup> century.**
- **Inhumane Behaviour Behind Bars:** Over the years, critics have repeatedly complained about the **indifferent and even inhuman behaviour** of prison staff.
  - Also, there have been many **instances of [custodial rapes and deaths](#)** resulting in violation of prisoners' human rights.
- **Overcrowding:** Many prisons in India are overcrowded, with facilities designed to hold a certain number of **inmates being filled well beyond capacity.**
  - For example, in **2020 it was reported that the Tihar Jail in Delhi**, which has a capacity of around 7,000 inmates, held more than 15,000 prisoners.
- **Inadequate Staff:** Many prisons in India are **understaffed**, which can lead to poor conditions and a **lack of security.**
  - For example, in 2020 it was reported that the **Puzhal Central Prison in Chennai, Tamil Nadu** had only one guard for every 100 prisoners.
  - Also, as per the [Prison Act, 1894](#) and [Prisoner Act, 1900](#), there should be a welfare officer and a law officer in each jail but **recruitment of these officers remains pending.**

## Way Forward

- **Making Prisons Correctional Institutions:** The ideal policy prescription of making prisons into places of **rehabilitation and “correctional institutions”** will only be achieved when the issues of unrealistically low budgetary allocation, high workloads and the unmindfulness of the police regarding procedural safeguards are addressed.
- **Recommendation for Prison Reforms: The Supreme Court appointed Justice [Amitava Roy \(retd.\) Committee](#)** which gave the following recommendations to address the overcrowding of prisons:
  - **Speedy trial** remains one of the best ways to remedy the unwarranted phenomenon of overcrowding.
  - There should be at least **one lawyer for every 30 prisoners**, which is not the case at present.
  - **Special fast-track courts** should be set up to deal exclusively with petty offences which have been pending for more than five years.
  - The **concept of plea bargaining**, in which the accused admits guilt for a lesser sentence, should be promoted.
- **Improving Prison Management:** This includes providing **proper training and resources to prison staff**, as well as implementing effective systems for monitoring and accountability.
  - This also includes providing basic amenities such as **clean drinking water, sanitation, and medical facilities to inmates.**

## UPSC Civil Services Examination, Previous Year Question (PYQ)

**Q.1** Instances of the President's delay in commuting death sentences has come under public debate as denial of justice. Should there be a time specified for the President to accept/reject such petitions? Analyse. (2014)

**Q.2** National Human Rights Commission (NHRC) in India can be most effective when its tasks are adequately supported by other mechanisms that ensure the accountability of a government. In light of above observation assess the role of NHRC as an effective complement to the judiciary and other institutions in promoting and protecting human rights standards. (2014)

**Source: TH**

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