



Model Prisons Act 2023

For Prelims: [The Prisons Act of 1894](#), [Prisons](#), [State Subject](#), [NCRB](#), [NALSA](#), [E-Prison](#).

For Mains: Model Prisons Act 2023, Issues Related to Prisons in India.

Why in News?

The Ministry of Home Affairs (MHA) has prepared the '**Model Prisons Act 2023**' that will **replace a British-era law, (the Prisons Act of 1894)**, to overhaul the prison administration that **will focus on the reformation and rehabilitation of inmates**.

What is the Model Prisons Act 2023?

▪ Need:

- There are "several lacunae" in the old pre-Independence act, **Prisons Act of 1894 and there was "conspicuous omission" of the correctional focus** in the existing Act.
- The Prison Act 1894 mainly focuses on **keeping the criminals in custody and enforcement of discipline** and order in [Prisons](#). There is **no provision for reform and rehabilitation** of prisoners in this Act.

▪ Salient Features of the New Act:

- Provisions of punishment for **prisoners and jail staff for use of prohibited items** such as mobile phones in jails.
- Establishment and management of **high security jails**, open jail (open and semi-open).
- Provisions for **protecting society from the criminal activities** of hardened criminals and habitual offenders.
- Providing legal aid to prisoners, parole, furlough and premature release to incentivize good conduct.
- Security **assessment and segregation of prisoners**, individual sentence planning; grievance redressal, prison development board, attitudinal change towards prisoners and provision of separate accommodation for women prisoners, transgender, etc.
- There are provisions for use of technology in prison **administration with a view to bring transparency in prison administration**, provision for videoconferencing with courts, scientific and technological interventions in prisons, etc.

▪ Significance:

- In India, prisons and the 'persons detained therein' are a [State subject](#). The Model Prisons Act, 2023 may serve as a **guiding document for states for adoption in their jurisdiction**.
- The Prisoners Act of 1900 and the Transfer of Prisoners Act, 1950 are also decades-old and relevant provisions of these Acts have been assimilated in the Model Prisons Act, 2023, expecting to bring **much-needed reforms to the Indian prison system and align it with international standards**.

What are the Problems of Prisons in India?

- **Overcrowding of the Prisons:**
 - Overcrowding has been one of the grave issues of the prison system in India. As to a report by the [National Crimes Record Bureau](#) that the **occupancy rate** of jails is 118.5% of the prison capacity.
 - It was observed that there were about 4,78,600 prisoners in different prisons, but the capacity of the prisons was just 4,03,700.
 - Overcrowding leads to poor living conditions. It also leads to the **transmission of many communicable diseases**.
- **Health and Hygiene:**
 - A lot of jails do not have proper medical facilities. This creates **neglect towards the prisoners and most of them remain untreated**. Hygiene is also not proper among the prisoners.
- **Delay in Trials:**
 - A lot of cases are pending for many years. This leads to a **disruption in the prison administration system**. However, the Supreme Court, in *Hussainara Khatoon v. Home Secretary 1979* recognized the right to speedy trial of the prisoners.
- **Custodial Torture:**
 - Custodial tortures among prisoners are quite prevalent. Though third-degree torture by police is **not allowed after the landmark judgment in D.K Basu's case 1986**, there is still a prevalence of brutal violence inside the prisons.
 - According to the Ministry of Home Affairs, a total of 146 cases of death in police custody were reported during 2017-2018, in the last five years, the highest number of [custodial deaths](#) (80) has been reported in Gujarat, followed by Maharashtra (76), Uttar Pradesh (41).
- **Women and Children:**
 - Women criminals are relatively low in number. They face both **physical and mental problems including lack of sanitation** facilities, lack of care during pregnancy, lack of educational training.
 - Children are mostly kept in **correctional homes rather than jails so that they can reform themselves** and go back to their normal life. However, they also face a lot of abuse and undergo psychological traumas.

How to Overcome these Problems?

- The Supreme Court has set up a committee in 2018 headed by its retired judge **Justice Amitava Roy** on Prison Reforms.
- Some recommendations were made to **overcome the problem of overcrowding i.e. speedy trials**, increasing lawyer to prisoners ratio, the introduction of special courts, avoiding adjournment.
- They also recommended a free phone call for every new prisoner in his/her first week of jail. The committee also recommended modern kitchen facilities.
- **Section 304** of the Indian Penal Code states the punishment for custodial deaths. **Section 30** of the Protection of Human Rights Act states about the issuance of CCTV's inside the jails.

What are the Initiatives Related to Prison Reforms in India?

- **Modernization of Prisons Scheme:** The scheme for modernisation of prisons was launched in 2002-03 with the objective of improving the condition of prisons, prisoners and prison personnel.
- **Modernisation of Prisons Project (2021-26):** Government has decided to provide financial assistance to **States and UTs, through the Project for using** modern-day security equipment in Prisons for:
 - Enhancing the security of jails.
 - To facilitate the task of reformation and rehabilitation of prisoners through correctional administration programmes.
- **E-Prisons Project:** The [E-Prisons project](#) aims to introduce efficiency in prison management through digitization.
- **Model Prison Manual 2016:** The [manual](#) provides detailed information about the legal services (including free services) available to prison inmates.
- **National Legal Services Authority (NALSA):** It was constituted under the Legal Services

Authorities Act, 1987 which came into force on 9th November, 1995 to establish a nationwide uniform network for providing free and competent legal services to the weaker sections of the society.

Conclusion

- The prison system in India has undergone significant reforms since ancient times, but it still requires further improvement in modern times.
- Despite the various prison reforms implemented in India, **the situation has not improved significantly**. It is important to recognize that **while prisoners have committed crimes, they still possess certain rights** that cannot be taken away from them.

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