



## The Big Picture - Prison Reforms

The Supreme Court has made an ardent observation on the situation of prisoners lodged in jails. The Supreme Court has issued instructions to all state governments to make changes in prison rules. Also, the court contemplated that prisoners sentenced to death should be allowed to meet psychiatrists, family-friends. The court observed that there are very poor arrangements for prisoners and upkeep of jails has not been undertaken for years. Toilets and sewage system are not in proper condition. There is not enough room for children of prisoners in prison. The list of problems is endless.

### Status of Indian Prisons

- **The management of prisons falls exclusively under the domain of the state government, as per the seventh schedule of the constitution. In every state, the prison administrative machinery works under the chief of prisons who is a senior ranking IPS officer.**
- According to the Prison Statistics India 2015 report by the National Crime Records Bureau (NCRB), **India's prisons are overcrowded with an occupancy ratio of 14% more than the capacity. More than two-thirds of the inmates are undertrials.**
- **More than 70% of the people in Indian jails are undertrials** - those detained in prisons during trial, investigation or inquiry but not convicted of any crime in a court of law.
- The share of the prison population awaiting trial or sentencing in India is extremely high by international standards; for instance, it is 11% in the UK, 20% in the US and 29% in France.

### Issues

- **Indian prisons face three long-standing structural constraints:**
  - Overcrowding
  - Understaffing and underfunding
  - Violent clashes
- Unhygienic condition--In Rajasthan, it has been noticed that prisoners contracting skin diseases after they have entered the prison. In some cases, the prisoners have contracted deadly diseases like HIV and TB.
- The number of open jails is few and far between. Only 70 out of over 1400 prisons are open prisons. For women inmates, it is almost negligible.

### What is Open Prison?

- Open prisons have relatively less stringent rules as compared to the controlled jails.
- They go by many names like minimum-security prison, open-air camps or prison without bars.
- The fundamental rule of an open prison is that the jail has minimum security and functions on the self-discipline of the inmates.
  
- In comparison to men, the disposal of cases pertaining to women and children is very low. Hence, a rising number of women and children undertrials populating prisons.

### Measures for Prison Reforms

- **The Social Justice Bench of the Supreme Court of India had issued guidelines relating to Prison Reforms in the Country.**
- The Undertrial Review Committee in every district should meet every quarter. Appropriate steps must be taken for the release of undertrial prisoners and convicts who have undergone their sentence or are entitled to release because of remission granted to them.
- **The State Legal Services Authority of every State will ensure, in coordination with the Secretary of the District Legal Services Committee in every district, that an adequate number of competent lawyers are impanelled to assist undertrial prisoners and convicts, particularly the poor.**
- **The Director General of Police/Inspector General of Police in-charge of prisons should ensure that there is proper and effective utilization of available funds so that the living conditions of the prisoners is commensurate with human dignity. This also includes the issue of their health, hygiene, food, clothing, rehabilitation etc.**
- The Ministry of Home Affairs will ensure that the Management Information System is in place at the earliest in all the Central and District Jails so that there is better and effective management of the prison and prisoners.
- **The Ministry of Home Affairs will conduct an annual review of the implementation of the Model Prison Manual 2016.**
- The Bench also directed Ministry of Women and Child Development, to prepare a Manual like 'Prison Manual' which will take into consideration the living conditions and other issues pertaining to juveniles who are in Observation Homes or Special Homes.

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