



Mains Practice Question

Q. Indian prisons portray the plight of human rights and are in dire need of serious reform. Discuss. (250 Words)

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Approach

- Start your answer by briefly describing the status of prisons in India.
- Discuss human rights violations faced by prisoners in India.
- Discuss some measures to resolve these issues.
- Conclude accordingly.

Introduction

As per the Data released by the Prison Statistics India (PSI) 2021, there has been an increase of 7.7 lakh in the number of people arrested in 2021 as compared to 2020. While 1.47 crore people were arrested in 2021, 1.39 crore were arrested in 2020. The population of inmates in 1,319 prisons grew by 13 per cent from 488,511 in December 2020 to 554,034 in December 2021.

Body

- **Challenges faced by Prisons in India:**
 - **Overcrowding:**
 - Prison overcrowding is a phenomenon occurring when the demand for space in prisons in a jurisdiction exceeds the capacity for prisoners.
 - Further, it could lead to **medical problems for inmates and has increased their stress and idleness.**
 - **Reason:** Congestion in jails, particularly among undertrials has been a source of concern. Law Enforcement Assistance Administration National Jail Census had revealed that 77% of the jail inmates were awaiting trial.
 - **Corruption:**
 - Corruption by prison staff, and its less aggressive corollary, guard corruption, is common in prisons.
 - **Reason:** Given that the substantial power, for guards exercised over inmates, these problems are predictable, but the **low salaries that guards are generally paid severely aggravate them.** In exchange for contraband or special treatment, inmates supplement guards' salaries with bribes.
 - **Unhealthy Living condition:**
 - The overcrowding in the prisons leads to unsatisfactory living conditions. Various issues like diet, clothing, and cleanliness, unsatisfactory living conditions continue in many prisons around the country.
 - **Unequal Treatment:**
 - As per report provided by the Human Rights, watch specifically cites countries like India, where a "rigid" class system exists in the prisons.
 - It states that under this system, special privileges are accorded to the minority of the prisoners who came from the upper and middle classes,

irrespective of the crimes they have committed.

- **Poor Budget for Healthcare:**
 - The data from 'Prison Statistics India 2021', published by the National Crime Records Bureau (NCRB), shows that out of the total budget allocated for the prisons only 54% spent on inmates and about 1.3% on their medical matters.
 - **Physical Abuse:**
 - Physical abuse of prisoners by the guards is another chronic problem in the prisons of India.
 - In many prison systems in India, unwarranted beatings are an integral part of prison life. Further, **women prisoners in Indian prisons are particularly vulnerable to custodial sexual abuse.**
 - Often police officials resort to the torture and brutal physical treatment of prisoners in custody.
 - Further, third degree tortures within four walls of prison occur frequently and many times they remain unnoticed, such cases comes light when media or human rights commission gives any attention on it.
- **Measures:**
- **Reform Criminal Justice System:** If prison overcrowding is to be brought down then the under-trial population has to be reduced drastically. Of course, this cannot happen without the courts and the police works together.
 - The three wings of the criminal justice system would have to act harmonically. For example, bring in reforms like speedy trials, special fast track courts etc.
 - **Improve Living Conditions:** To improve the prison conditions what does not mean that prison life should be made soft; it means that it should be made human and sensible for prisoners.
 - **Innovative Initiative:** There is need for some innovative initiatives, for example, the **Art of Living is carrying out a SMART program in Tihar Jail.** It includes two courses per month which are annually conducted for prison staff. But these may be more by way of exceptions and experiments.
 - Further, a Srijan project is aimed at providing social rehabilitation there. Still, such programs are few and far from Indian prisons.
 - **Standardize Jail Manuals:** It is need of the hour that provisions of security of prisoners mentioned in jail manuals must be followed strictly and also well-equipped and trained prison staff should be appointed to look for safety measures.
 - **Timely Inspection:** Regular and timely inspection from judicial officers must be conducted. All the organs of police and administration must combine together so that effective social rehabilitation of inmates can be secured.

Conclusion

There is a need to protect the basic dignity of an arrested person and convicted person must be given proper respect. Protections of such dignities are mentioned in the universal declaration of human rights as well as under article 21 of the Indian constitution. Further, there is need to increase budget and create adequate space for jail reforms as without proper prioritization and allocations, it will be difficult to reform jails despite all the discussion.