Deducting prisoners' salary

Why in news?

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The Delhi High Court recently stayed the practice of deducting 25% salary of prisoners for the victim compensation fund.

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How does the compensation mechanism evolve?

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- Convicted prisoners get paid for doing work inside the jail, which can be voluntary or part of their punishment.
- These wages are fixed on the basis of their classification as skilled, semi-skilled and unskilled and the rate are revised periodically.
- Remuneration and wages differ from one state to another.
- As per 2015 prison statistics released by the National Crime Records Bureau (NCRB) in 2017, Puducherry provided the highest wages.
- It gives Rs 180, Rs 160 and Rs 150 per day to skilled convicts, semi-skilled convicts and unskilled convicts respectively.
- This was followed by Delhi's Tihar, which gave Rs 171, Rs 138 and Rs 107 respectively.
- In 1998, the Supreme Court in **State of Gujarat & Anr vs Gujarat High Court** case asked all states to devise a mechanism so that victims of the offence could be compensated.
- Prisons in various states made their own rules, with the amount of compensation varying from state to state.
- Delhi Prisons Rules were amended in 2006 with Rule 39A allowing for 25% of prisoners' wages to be deducted and deposited in a Victim Welfare Fund.

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- In 2008, the CrPC was amended with a new Section 357A, which stipulated that every state should prepare a scheme for compensating crime victims and their dependents.
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- Accordingly, the state government notified the Delhi Victims' Compensation Scheme.
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- Even then, the practice of deducting 25% of prisoners' wages continue to be the practice in Delhi.
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What does the court say?

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- It was the government's obligation to set up such a corpus, through which compensation for the victims be provided.
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- The director general of prisons of the Delhi government cannot do something which was not permissible under the law.
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- Tihar authorities had assumed the power of a convicting court, which imposes fines on a convict, and gone against the Criminal Procedure Code.
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- Hence the wages of convicts and prisoners shall not be deducted till the next date of hearing, on February 8, 2019.
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- Also, the Delhi government have to file an affidavit about what powers enabled it to take such a decision.
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What are the concerns?

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- More than Rs 15 crore deposited into the Victim welfare fund from prisoners' salaries since 2006 has been lying unutilised.
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- The rates of wages of prisoners are already on the lower side, compared to the minimum wages that are payable in Delhi.
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- A further deduction from the same may not be justified or proper.
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- Also, since the Delhi government itself has created a compensation scheme for victims, it seems unreasonable to continue with victim welfare fund.
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Source: The Indian Express

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